Regd. No. M.—1175

The Mysore Gazette

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BANGALORE, THURSDAY, SEPTEMBER 5, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. G. 1881—*P. H.* 136-39-5, *dated Bangalore, the* 31*st August* 1940.

Erratum.

Insert the word "not" between the words "Letters" and "less" appearing in the last sub-rule of rule 21 (d) under Coffee, of the rules issued with Government Notification No. G. 798—P. H. 136-39-3, dated 29th July 1940.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. P. 1320—*Legis., Dated Bangalore,*
30*th August* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 17*th July* 1940.

No. 324-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 66 of the said Rules, the following shall be substituted, namely :—

"(*1*) The Central Government may by order in writing requisition—

(*a*) any vessel in British India, or anything on board a vessel in British India ;

(*b*) any vessel registered in British India, or anything on board such vessel, wherever such vessel may be ;

and may make such further orders as appear to the Central Government to be necessary or expedient in connection with the requisitioning :

Provided that the preceding provisions of this rule shall not authorise the requisitioning of any vessel registered in the United Kingdom or in any Dominion within the meaning of the Statute of Westminster, 1931, or of anything on board such vessel."

A. deC. Williams,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATIONS.

Simla, the 23rd July 1940.

No. 529-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For clause (2) of rule 2 of the said Rules, the following clause be substituted, namely :—

'(2) "enemy territory" means—

(*a*) any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and

(*b*) any area which may be notified by the Central Government to be enemy territory;'

No. 530-OR/40.—In exercise of the Powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made to the Defence of India Rules, namely :—

In Part VI of the said Rules, after rule 45, the following rule shall be added, namely :—

"45A. If the Central Government certifies that the disclosure—

Matters required to be disclosed under the Indian Companies Act, 1913.

(1) of any matter required by sub-section (1) of section 93 of the Indian Companies Act, 1913, to be stated in a prospectus issued by or on behalf of a company or by or on behalf of any person who is or has been engaged or interested in the formation of the company, or

VII of 1913.

(2) of the contents of contract for the inspection of which or of a copy of which a time and place is required by clause (*l*) of the said sub-section to be stated in the prospectus,

would be prejudicial to the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war or to the maintenance of supplies and services essential for the life of the community, the requirements of the said sub-section [including the requirements of the said sub-section read with sub-section (2) of section 96 of the said Act] shall be deemed to have been complied with by the annexing to the prospectus of a copy of the certificate, and no matter to which the certificate relates shall be stated in the prospectus, nor shall any contract to which the certificate relates or any copy thereof be made available for inspection."

A. deC. Williams,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 3rd August 1940.

No. 534-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (1) of rule 26 of the said Rules, after the words "public order", the words "His Majesty's relations with foreign powers or Indian States, the maintenance of peaceful conditions in tribal areas" shall be inserted.

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 3rd August 1940.

No. 536-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule 1 of rule 59 of the said Rules, the following shall be substituted, namely :—

"(1) If the Central Government or the Provincial Government is satisfied that—

(*a*) the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force,

(*b*) the wearing or display in public of any distinctive dress or article of apparel or any emblem.

would be likely to prejudice the public safety, the maintenance of public order, the defence of British India or the prosecution of the war, the Central Government or the Provincial Government as the case may be, may, by general or special order, prohibit or restrict the wearing or display in public of any such dress, article of apparel or emblem."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 3rd August 1940.

No. 537-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV

of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 63 of the said Rules, the following rule shall be inserted, namely :—

XXI of 1923.

Officers authorised in United Kingdom deemed duly certified.

"63A. Notwithstanding anything contained in section 12 of the Indian Merchant Shipping Act, 1923, an officer who has been authorised by or on behalf of the competent authority in the United Kingdom under regulation 47-C of the Defence (General) Regulations, 1939, to act as master or officer of any grade of a British ship shall, while acting in pursuance of the authorisation, be deemed to be duly certified under the said Act."

A. de C. Williams,

Secretary to the Government of India.

No. T. 667—R. T. 3-39-37, dated Bangalore, the 31st August 1940.

The following draft Amendment which the Government propose to Form C relating to certificate of Registration of a motor vehicle issued with Notification No. P. 6223—Legis. 23-35-8, dated the 17th March 1936, and referred to in para 1, Rule 3 of the Mysore Motor Vehicles Rules 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any objection or suggestion in respect of the said draft received on or before 22nd September 1940 will be considered by Government.—

DRAFT AMENDMENT.

For the existing paragraph under the heading space for endorsing payment of tax in Form C referred to above, substitute the following paragraph :—

"The Vehicle Tax, Road Tax and Service Tax of Rs.....(in words) due under the Mysore Road Traffic

and Taxes Act in respect of the vehicle referred to in this book for the quarter, half-year or year ending..... has been paid at..... .....on..... .....License No..... ....No toll at.....

No tax is payable for the quarter/half-year/year ending.....as the vehicle (here state reasons).

Place,

Date.

Treasury Officer,.....Dist./Taluk Treasury
District Superintendent of Police, K.G.F.,
Licensing Officer,.....Toll-Gate.

2. The above form for endorsing payment of tax shall be adopted in all Certificates of Registration to be issued in future.

No. T. 669—*R. T.* 3-39-38, *dated Bangalore, the* 31*st August* 1940.

Under Clause (ii) of Sub-Section (6) of Section 9 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act, IX of 1936, the Government of His Highness the Maharaja are pleased to amend the form of Certificate for recording that tax has been paid in respect of motor vehicles not registered under the Mysore Motor Vehicles Act, 1928, issued under Notification No. T. 4071—R. T. 7-38-37, dated the 30th May 1939.

Amendment.

For the existing paragraph under space for endorsing payment of tax at page 7 of the Notification referred to above, substitute the following :—

"The Vehicle Tax, Road Tax and Service Tax of Rs. .....(in words) due under the Mysore Road Traffic and Taxes Act in respect of the vehicle referred to in this book for the quarter, half-year or year ending .....has been paid at..... ... on..... License No. .... No toll at .....

No tax is payable for the quarter / half year / year ending..... as the vehicle (here state reasons).

Place.....

Date.....

Treasury Officer,.....
District/Taluk Treasury.

District Superintendent of Police,
Kolar Gold Fields.

Licensing Officer, ...
Toll Gate.

2. The form for endorsing payment of tax as above shall be adopted in all forms of Certificates of payment of tax issued in future.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

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BANGALORE, THURSDAY, SEPTEMBER 12, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1491—*Legis.* 2-40-20, *dated Bangalore, the* 11*th September* 1940.

In exercise of the powers conferred by rule 7 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following additions to Notification No. P. 7551—Legis. 29-39-8, dated 28th May 1940, published on page 523, Part III-1 of the *Mysore Gazette*, dated 30th May 1940, namely :—

Serial Number	Name of protected place	Locality
19	Petrol and Oil Storage Depot ...	Bowringpet.

Under sub-section (5) of section 2 of the Defence of India Act, 1939, as applied to Mysore (Act No. XXVI of 1939), they are further pleased to make the following additions to Notification No. P. 7552—Legis. 29-39-9, dated 28th May 1940, namely :—

Serial Number	Name of protected place	Officer empowered to exercise
19	Petrol and Oil Storage Depot at Bowringpet.	District Superintendent of Police, Kolar Gold Fields.

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

No. P. 1485—*Legis.* 37-39-27, *dated Bangalore, the* 11*th September* 1940.

In exercise of the powers conferred by sub-section (1) of section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to exempt the Vysya Mercantile Company, Ltd., Closepet, and all its Branches from the provisions of Chapters II and III of the said Act.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

The Mysore Gazette

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BANGALORE, THURSDAY, SEPTEMBER 19, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 1455—*P. & T.* 5-40-4, *dated Bangalore, the* 13*th September* 1940.

In exercise of the powers vested in them under Section 13 (2) (iii) of the Mysore Wireless Telegraph Act IV of 1937, the Government of His Highness the Maharaja of Mysore are pleased to revise the form of the Broadcast Receiver License (Form IV) issued under Rule 5 of the Rules under the aforesaid Act.

FORM IV.

FORM OF BROADCAST RECEIVER LICENSE.

(*The conditions are printed at the foot of* (*Regd. No. of the Form*).

Act for Regulation of Wireless Telegraphy in Mysore (Act IV of 1937) (License to establish a Wirless Receiving Station).

Mr..... (Name in full) of.....
.....(address in full) is hereby authorised (subject in all respects to the conditions set forth on the back hereof) to erect and work a wireless station for the purpose of receiving messages in the premises known as

(Location of Station).

This license expires on the last day of the month of.....1940. The payment of the license fee of Rs. 10 is hereby acknowledged.

Issued on behalf of the Government of His Highness the Maharaja of Mysore.

Director of Industries and Commerce.

BANGALORE,

Dated.....1940.

(To be printed at the back of the form).

Conditions.

1. This license permits the use of wireless receiving Apparatus for private and domestic purposes only and the licensee shall not permit the station to be used for any purpose other than that of receiving messages sent for general reception.

2. The station shall not be used in such a manner as to cause interference with the working of other stations. In particular, reaction must not be used to such an extent as to energise any neighbouring aerial.

3. An aerial which crosses over or is liable to fall or to be blown upon any Telegraph or Telephone line or overhead power wire (including electric lighting and tramway wires) must be guarded to the reasonable satisfaction of the owner of the power line or lines concerned so as to prevent any damage being done in the event of a break occurring.

4. The station shall be open to inspection at all reasonable times by any officer duly authorised by the

Government of His Highness the Maharaja of Mysore in this behalf. At the request of such authorised officer this license shall be produced for inspection.

5. The license may be cancelled by the officer authorised in this behalf of the Government of His Highness the Maharaja of Mysore at any time either by specific notice in writing sent by registered post to the licensee at the address shown herein or by means of a notice, published in the *Mysore Gazette* addressed to all holders of wireless receiving licenses. In the event of cancellation, no part of the fee will be returned.

6. Any change of address must be properly communicated to the issuing Authority appointed by Government in this behalf and the license returned in order that the necessary amendments may be made thereon.

7. The location of the station may be altered temporarily at the discretion of the licensee, but if it is intended that the station shall leave the original location for a period exceeding 3 months at any one time the licensee must inform the Issuing Authority appointed by Government in this behalf and return this license for endorsement.

8. If it is desired to continue to maintain the station after the date of expiry this license must be renewed within fourteen days of the date of expiry of the license. Heavy penalties are prescribed by the Mysore Wireless Telegraphy Act IV of 1937, on conviction of the offence of establishing, maintaining, or working a wireless station without a license. The possession of wireless apparatus without a license is also an offence under the Act for the Regulation of Wireless Telegraphy in Mysore, 1937.

9. The licensee or the members of his household may use more than one receiving set at the licensed address without additional license.

10. This license is not transferable but in the event of the decease of the licensee it will be regarded during the unexpired portion of its currency as covering the use of wireless apparatus at the address of the licensed station by any member of the deceased's household.

11. The licensee shall not divulge or allow to be divulged to any person (other than of the duly authorised officer of the Government of His Highness the Maharaja of Mysore or a competent legal tribunal) or make any use whatsoever of any message received by means of the

licensed station other than time signals musical or other programme and messages transmitted for general reception.

12. Notwithstanding anything contained in clause 10 the licensee or any other person either on behalf of by permission of the licensee or with the cognizance of the licensee shall not reproduce or publish in the press or disseminate by other similar means, messages sent for general reception by any station and received by means of the station.

13. The license does not authorise the licensee to do any act which is—

(*a*) an infringement of any copyright which may exist in the matter received by the station; or

(*b*) contrary to any rules made by a competent authority regulating musical or other performance or noises in the area in which the wireless station is established.

No. A. F. 1467—*J. S.* 4-40-4, *dated Bangalore, the* 14*th September* 1940.

In exercise of the powers vested in them under Section 144 (2) of the Mysore Companies Act XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft of an amendment to Rule 3 of the Rules for the grant of auditors' certificates.

Any suggestions for additions to or alterations or omissions in the proposed amendment by persons or bodies likely to be affected by it may be forwarded in writing to the Secretary to Government, Development Department, within two months from the date of publication of this Notification in the *Mysore Gazette.*

Any suggestions received after the due date will not receive consideration.

Add the following as Rule 3 (*c*) to the Rules and renumber the existing Rule 3 (*c*) as 3 (*d*) :—

The applicant shall also produce with his application evidence to the satisfaction of the Registrar of Joint

Stock Companies in Mysore that he is competent to audit the accounts in the languages stated in his application.

Explanation.—A pass in a University Examination, or a certificate by a Gazetted Officer or a Chamber of Commerce or evidence of having audited accounts in a language for a long number of years will be deemed to be satisfactory evidence for the purpose of this rule.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. T. 756—*R. T.* 107-39-2, *dated Bangalore, the* 16*th September* 1940.

In exercise of the powers conferred on them by Sections 8 and 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct the levy of tax on an Agricultural Fordson Tractor as detailed hereunder:—

(i) Agricultural Tractors with pneumatic or steel tyres if used wholly on estates are exempted from payment of tax.

(ii) When Tractors fitted with pneumatic tyres on all wheels are used on roads merely for passing from one part of the estate to another or from one estate to another, the tax as on agricultural lorry shall be levied. Such Tractor will be allowed to pull a plough or a harrow behind it without additional tax.

(iii) If the Tractors are used on roads for pulling trailers containing goods, Road Tax shall be levied according to Schedule II-B as on a motor lorry with trailers.

(iv) When Agricultural Tractors fitted with steel tyres which are not of a damaging nature and certified as such by the Executive Engineer, are used on roads, a higher rate of Road Tax as on other vehicles shall be levied on such vehicles according to Schedule II-B—

Tractors fitted with steel tyres with spuds or vanes shall not be allowed to run on public roads in Mysore State.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,

Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

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BANGALORE, THURSDAY, SEPTEMBER 26, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. A. F. 1676—*C. S.* 19-39-35, *dated Bangalore, the* 23*rd September* 1940.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act, VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to amend as follows Rule 21 of the Rules under the Act in respect of the removal of Officers of Co-operative Societies.

"It shall be open to the Registrar to order the removal of any officer of a Co-operative Society if he is satisfied that such officer has acted in any manner contrary to the best interests of the Society :

Provided that (a) the Registrar shall give such officer a full opportunity to explain his conduct : (b) the objection to the continuance of such officer shall be recorded in full and communicated to the Society and the officer concerned ; and (c) an appeal shall lie to Government within one

month from the date of receipt of such order of the Registrar by the Officer concerned."

By Order,

J. APPAJI GOWDA,

Secretary to Government,
General Department.

No. P. 1637—*Legis.* 2-40-22, *dated Bangalore, the* 19*th September* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10*th August* 1940.

No. 482-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In clause (*c*) of sub-rule (1) of rule 9 of the said Rules, after the word "therein", the words "or in the vicinity thereof" shall be inserted.

A. deC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 16-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For rule 13 of the said Rules, the following rule shall be substituted, namely :—

"13. (1) Save as hereinafter provided, no person shall make any signal, either visually or otherwise, in such circumstances as show that the signal— Prohibition of signalling.

(*a*) is intended to be received by a person on board a vessel at sea or an aircraft in flight, or

(*b*) being made from a vessel at sea or an aircraft in flight, is intended to be received by a person not on board such vessel or aircraft, or

(*c*) being made in an area notified by the Central Government in this behalf, is intended to be received by a person outside the external land frontiers of British India :

Provided that the preceding prohibitions shall not apply to the making of any signal with permission granted by, or on behalf of, the Central Government, or of any signal for the purpose only of saving life, or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a State at war with His Majesty.

(2) No person shall make any signal, either visually or otherwise, intending or knowing it to be likely that the signal may mislead any member of His Majesty's Forces or any other public servant, acting in the course of his duty as such member or public servant.

(3) If any person, contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

A. deC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10*th August* 1940.

No. 368-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To clause (*b*) of sub-rule (2) of rule 14 of the said Rules, the following shall be added, namely :—

"or which is required for the making of any such signal as is mentioned in the proviso to sub-rule (1) of rule (13)."

A. deC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 17*th August* 1940.

No. 547-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After clause (*b*) of sub-rule (1) of rule 62 of the said Rules, the following clause shall be inserted, namely :—

"(*bb*) for prescribing the wireless telegraph services to be maintained, and the number, grade and qualifications of operators and watchers to be carried in connexion with the operation of any wireless telegraphy apparatus provided in any such vessel, whether in pursuance of the order or otherwise ;"

A. deC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 10th August 1940.

No. 541-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For rule 107 of the said Rules, the following rules shall be substituted, namely :—

Supervision of suspected business.

"107. If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part that any business should be subject to supervision, he may by order in writing direct that the business shall be subject to supervision, and thereupon any Controller, Deputy Controller or Inspector of Enemy Firms may for the purpose of such supervision exercise all or any of the powers mentioned in rule 106, and such other powers as may from time to time be conferred on him by the Central Government.

Supervision of firms suspected to be enemy firms.

107-A. (1) If it appears to a Controller of Enemy Firms that it is expedient for securing compliance with the provisions of this Part

that the business of a person or body of persons suspected by him to be an enemy firm should be subject to supervision he may, pending a decision by the Central Government in the matter, by order in writing direct that the business shall be subject to supervision for a period which shall not, without the previous sanction of the Central Government, exceed one month; and, thereupon, any Controller, Deputy Controller or Inspector of Enemy Firms may—

(*a*) exercise, for the purposes of such supervision, all or any of the powers mentioned in rule 106;

(*b*) by order in writing cancel any transaction of the firm which, in his opinion, is injurious to the public interest or is intended to evade the provisions of this Part;

(*c*) authorise the business of the firm to be carried on under such management as may be approved by him or subject to such conditions as he may deem fit to impose;

(*d*) himself carry on the business of the firm if, in his opinion, no suitable management is available.

(2) Where a business is subjected to supervision under sub-rule (1), the Central Government may direct the Controller to recover from the assets of the firm concerned such fee, not exceeding the cost of supervision, as the Central Government may deem fit to impose."

A. deC. Williams,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 527-OR/40,—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of

1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 26 of the said rules—

(1) in sub-rule (5), after the words "under such conditions", the words "as to maintenance, discipline and the punishment of offences and breaches of discipline", shall be inserted, and

(2) the following sub-rule shall be inserted after sub-rule (5), namely :—

"(5A) Where the power to determine the place of detention is exercisable by the Provincial Government, the power of the Provincial Government shall include power to determine a place of detention outside the Province :

Provided that—

(*a*) no such place shall be determined save with the previous consent of the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province of the Central Government;

(*b*) the power to determine the conditions of detention shall be exercised by the Provincial Government of the Province in which the place is situate, or, where the place is situate in a Chief Commissioner's Province, by the Central Government."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 538-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to

direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After clause (*a*) of sub-rule (1) of rule 52 of the said Rules, the following clause shall be inserted namely:—

"(*aa*) for the screening of any lighting apparatus whether for the time being alight or not, carried on, or attached to, any specified class of vehicles;"

A. de C. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 31st August 1940.

No. 494-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 90 of the said rules—

(*a*) for sub-rule (1) the following sub-rule shall be substituted, namely:—

"(1) In this rule—

(i) the expression "coin" means coin which is legal tender under the Indian Coinage Act, 1906; and

(ii) the expression "note" means a Reserve Bank of India note, a currency note of the Government of India, or a Government of India one rupee note issued under the Currency Ordinance, 1940."

(*b*) in sub-rule (2)—

(1) in clause (*a*), for the words "Reserve Bank of India note or currency note of the Government of India", the word "note" shall be substituted:—

(2) in clause (*b*) and (*c*), the words "such" shall be omitted.

A. de C. Williams,
Secretary to the Government of India.

No. P. 1678—*Legis.* 17-40-1, *dated Bangalore, the* 20*th September* 1940.

The following Ordinances of the Government of India, Legislative Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Simla, the 24*th July,* 1940.

ORDINANCE No. IV OF 1940.

(An Ordinance to provide for the issue and putting into circulation of Government of India One Rupee Notes.)

Whereas an emergency has arisen which renders it necessary to provide for the issue and putting into circulation of Government of India one rupee notes;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:— 26 Geo. 5, C. 2.

1. (*1*) This Ordinance may be called the Currency Ordinance, 1940. Short title, extent and commencement.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

Government of India one rupee notes. II of 1934. III of 1906.

2. Notwithstanding anything contained in the Reserve Bank of India Act, 1934, the Central Government may issue Government of India notes of the denominational value of one rupee, and any such note shall be current in British India in the same manner and to the same extent and as fully as the silver coin called the Government rupee issued under the provisions of the Indian Coinage Act, 1906, shall be legal tender in British India for the payment of any amount and shall be deemed to be included in the expression "rupee coin" for all the purposes of the Reserve Bank of India Act, 1934:

II of 1934.

Provided that a Government of India one rupee note issued under this Ordinance shall be deemed not to be a currency note for any of the purposes of the Reserve Bank of India Act, 1934.

Amendment of sections 36 and 38, Act II of 1934.

3. *(1)* To section 36 of the Reserve Bank of India Act, 1934, the following sub-section shall be added, namely:—

"(3) At the close of any week in which the amount of rupee coin held in the assets, as shown in the weekly accounts of the Issue Department for that week, is less than fifty crores of rupees or one-sixth of the total amount of the assets as so shown, whichever may be the greater, the Central Government may, with the consent of the Bank, deliver to the Bank rupee coin up to the amount of such deficiency against payment of legal tender value."

II of 1934.

(2) In section 38 of the Reserve Bank of India Act, 1934, the words—

"and as provided in that section," shall be omitted.

Application of Indian Penal Code.

4. The provisions of sections 489-A, 489-B, 489-C and 489-D of the Indian Penal Code shall apply in respect of notes issued under this Ordinance as they apply in respect of currency notes and bank notes.

SIMLA, LINLITHGOW,

The 24th July 1940. *Viceroy and Governor-General.*

G. H. SPENCE,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Simla, the 26th July, 1940.

ORDINANCE No. VI OF 1940.

AN

ORDINANCE

further to amend the Indian Coinage Act, 1906.

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Coinage Act, 1906; III of 1906.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:— 26 Geo. 5, C. 2.

1. (*1*) This Ordinance may be called the Indian Coinage (Amendment) Ordinance, 1940. Short title and commencement.

(*2*) It shall come into force at once.

2. In section 5 of the Indian Coinage Act, 1906 (hereinafter referred to as the said Act),— Amendment of section 5, Act III of 1906.

(*a*) in sub-section (*3*) for the words "of the half-rupee eleven-twelfths, or eighty-two and a half grains of fine silver, and one-twelfth, or seven and a half grains of alloy" the following words shall be substituted, namely:—

"of the half-rupee one half, or forty-five grains of fine silver, and one-half, or forty-five grains of alloy."

(*b*) for sub-section (*4*) the following sub-section shall be substituted, namely:—

"(*4*) In the making of silver coins, a remedy shall be allowed of an amount not exceeding the following, namely:—

	Remedy in weight	Remedy in fineness
Rupee	Five thousandths ...	Two-thousandths
Half Rupee	Nine-thousandths ...	Five-thousandths
Quarter Rupee ...		

and in applying the said remedies to half-rupees and quarter-rupees the remedies shall be applied to the average

of fifty coins and to the average of one hundred coins respectively and to individual coins."

Amendment of section 15, Act III of 1906.

3. To section 15 of the said Act the following sub-section shall be added, namely :—

"(4) All half-rupee silver coins which may have been issued under this Act prior to the commencement of the Indian Coinage (Amendment) Ordinance, 1940, shall continue to be a legal tender in payment or on account."

SIMLA; LINLITHGOW,

The 24th July, 1940. *Viceroy and Governor General.*

G. H. Spence,

Secy. to the Government of India.

No. Rl. 477—*R. A.* 2-40-8, *dated Bangalore, the 23rd September* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule shall be substituted for "Rule 72-A" of the Representative Assembly Rules, 1940, issued under Notification No. R.L. 203—R.A. 2-40-6, dated 3rd August 1940 :—

"72-A. Notwithstanding anything contained in sub-rule (2) of rule 72, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 3rd October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

Explanation.—A person shall be qualified to be included in the electoral roll if he has acquired before the 3rd of October 1940, the qualifications specified in these rules for such inclusion.

No. Rl. 494—*L. C.* 1-40-4, *dated Bangalore, 23rd September* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule shall be substituted for "Rule 52-A" of the Legislative Council Rules, 1940, issued under Notification No. R. L. 204—L. C. 1-40-2, dated 3rd August 1940:—

> "52-A. Notwithstanding anything contained in sub-rule (2) of rule 52, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 3rd October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

Explanation.—A person shall be qualified to be included in the electoral roll if he has acquired before the 3rd October 1940, the qualifications specified in these rules for such inclusion.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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BANGALORE, THURSDAY, OCTOBER 17, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 1898—*Pol.* 57-40-2, *dated Bangalore, the 7th October* 1940.

In exercise of the powers conferred by the Mysore Arms Act, 1890, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following shall be substituted for item 2 (*a*) in the first column of Schedule III to the Mysore Arms Rules, 1926, namely:—

"2. (*a*) Any regular soldier of the British Army and any Warrant Officer, Non-Commissioned Officer or Soldier in the Auxiliary Force in India and in the Mysore State Troops."

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

No. T. 963—*R. T.* 3-39-40, *dated Bangalore, the 3rd October* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 16 (i) of the Mysore Motor Vehicles Rules, 1929, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, the draft amendment in the said behalf having already been issued with Notification No. T. 613—R. T. 3-39-35, dated 27th August 1940 and published at page 304, Part IV of the *Mysore Gazette*, dated 29th August 1940 :—

Amendment.

At the end of Rule 16(i) of the aforesaid Rules (*vide* page 51 of the Mysore Motor Manual), remove the full stop and add the following words :—

"in Form D".

No. T. 966—*R. T.* 3-39-39, *dated Bangalore, the 4th October* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been issued with Notification No. T. 518-R. T. 3-39-33, dated 20th August 1940 and published at page 296, Part IV of the *Mysore Gazette*, dated 22nd August 1940.

Amendment.

(1) Add the following as Rule 12-C (ii) to the aforesaid rules :—

"The Application and Declaration relating to cancellation of registration of motor vehicles shall be in the Form AA annexed to these Rules."

(2) Add the following as Form AA after Form A annexed to the above rule at page 68 of the Mysore Motor Manual:—

"Form AA, Application for the cancellation of the registration of Motor Vehicles—

(1) Name of registered owner.
(2) Address.
(3) Register No. of the vehicle whose registration is sought to be cancelled.
(4) Type of body of vehicle.
(5) Reasons put forward for cancellation of registration.
(6) Is the registration certificate and current tax licence, if any, taken out, surrendered, if not the reasons therefor.

(The only reason acceptable is that the vehicle is permanently unusable and will not be used any longer. The declaration below has to be signed to that effect).

Declaration.

I hereby declare that the vehicle has become permanently unusable and will not be used any longer.

Place.....

Date.....

Signature of Registered Owner.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 2009—Legis. 2-40-24, dated Bangalore, the 22nd October 1940.

In exercise of the powers conferred by sub-rule (1) of rule 58 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to prohibit the performance within Mysore of any exercise, movement, evolution or drill of a military nature with or without arms or articles capable of being used as arms :

Provided that the prohibition hereinbefore imposed shall not apply to the performance of any such exercise, movement, evolution or drill—

(1) by members of His Majesty's Military or Air Forces or of the Forces of His Highness the Maharaja or of an official police force or of any force constituted under any law for the time being in force in the exercise of their duty as such ;

(2) by members of the association commonly known as the Boy Scouts Association in India or of the association commonly known as the Girl Guides Association in India in their capacity as such;

(3) by members, in their capacity as such, of the organisation known as the St. John's Ambulance Brigade, or of any other organisation specified in an order in writing by Government; or

(4) within the precincts or premises of any Government or Municipal school, or of any school or college in receipt of grants from Government or from a municipality, or of any school or college recognised by Government in this behalf, by persons whose participation in such exercise, movement, evolution or drill is part of the ordinary curriculum of such school or college.

No. P. 2010—*Legis.* 2-40-25, *dated Bangalore, the 22nd October* 1940.

Whereas the Government of His Highness the Maharaja are satisfied that the wearing in public of any dress resembling a uniform required to be worn by a member of His Majesty's Forces or of the Forces of His Highness the Maharaja or by a member of any official police force or of any force constituted under any law for the time being in force is likely to prejudice the public safety, the maintenance of public order and the defence of British India and Mysore;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 59 of the Defence of India Rules, as applied to Mysore, the Government are pleased to prohibit the wearing in public in Mysore of any such dress by any person who is not a member of the said forces or a member of an association which has been authorised by the Central Government or by Government, to wear a specified uniform.

By Order,

B. T. KESAVIENGAR,
Chief Secretary to Government.

No. P. 39—*Legis.* 2-40-23, *dated Bangalore, the* 16*th October* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 14*th September* 1940.

No. 556-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 104 of the said Rules—

1. In the marginal heading, after the words "enemy firms" the words "and purchase of enemy currency" shall be inserted.

2. In sub-rule (1), clause (i) shall be omitted and clause (j) shall be re-lettered as clause (i).

3. In sub-rule (2), for the word, letter and brackets "clause (f)", the word, letter and brackets "clause (e)" shall be substituted.

4. After sub-rule (2), the following sub-rule shall be inserted, namely :—

"(2-A) No person shall, directly or indirectly, purchase enemy currency".

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 14th September 1940.

No. 496-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (1) of rule 88 of the said rules, the words "in any port, aerodrome or railway station, or in or from any vessel, aircraft or railway train," shall be omitted.

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 28th September 1940.

No. 262-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After rule 88 of the said rules, the following rule shall be inserted, namely :—

Vehicles belonging to the Central Government.

88-A. (1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central

Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which, or the qualifications or conduct of the driver or person in charge to whom, the declaration applies."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 21st September 1940.

No. 558-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 51 of the said rules, the following sub-rule shall be substituted, namely :—

"(1) The Central Government or the Provincial Government may, with a view to protecting the general public or any members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 21st September 1940.

No. 532-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:—

In the said Rules—

(1) after sub-rule (2) of rule 66, the following sub-rule shall be inserted, namely:—

"(2*a*) The Central Government may by order require the owner, or the person having the management, of any vessel registered in British India to furnish to such authority as may be specified in the order such information in his possession relating to the vessel or to things, on board the vessel (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified".

(2) after sub-rule (3) of rule 72, the following sub-rule shall be inserted, namely:—

"(3) The Central Government may by order require the owner, or the person having the management of, any such aircraft or thing as is referred to in sub-rule (1) to furnish to such authority as may be specified in the order such information in his possession relating to the said aircraft or thing (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified."

(3) after sub-rule (2) of rule 76, the following sub-rule shall be inserted, namely:—

"(2*a*) The Central Government or the Provincial Government may by order—

(*a*) require the owner or occupier of any building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his

possession relating to the building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein (being information which may reasonably be required of him in connection with the execution of this rule) as may be so specified;

(*b*) direct that such owner or occupier shall not, without the permission of the Central Government or the Provincial Government, as the case may be, dispose of such building, part of a building or other premises, or of any fixtures, fittings, furniture or other things therein, till the expiry of such period as may be specified in the order."

(4) for sub-rule (3) of rule 79, the following sub-rule shall be substituted, namely :—

"(3) The Central Government may by order—

(*a*) require the owner or the occupier of any land to furnish to such authority as may be specified in the order such information in his possession relating to the land (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified;

(*b*) direct that the owner or occupier of any land shall not without the permission of the Central Government dispose of the land or of any interest therein till the expiry of such period as may be specified in the order.

(5) after sub-rule (3) of rule 83, the following sub-rule shall be inserted, namely :—

"(3*a*) The Central Government may, with a view to the requisitioning of any animal, product, article or thing, or the determining of the price of any animal, product, article or thing which has been requisitioned, by order—

(*a*) require any person to furnish to such authority as may be specified in the order

such information in his possession relating to the animal, product, article or thing as may be so specified;

(*b*) direct that the owner, or person in possession, of the animal, product, article or thing shall not, without the permission of the Central Government, dispose of it till the expiry of such period, as may be specified in the order."

(6) after rule 117, the following rule shall be inserted, namely :—

"Power to require production of books, etc.

117-A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 21st September 1940.

No. 570-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to

direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 81 of the said rules, after clause (*a*) of sub-rule (2), the following clause shall be inserted, namely :—

"(*aa*) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

Simla, the 21st September 1940.

No. 569-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 113-A of the said Rules—

1. In clause (*a*) of sub-rule (2), after the words "agent of the firm" the following words shall be inserted namely :—

"and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm."

2. After sub-rule (3), the following sub-rule shall be added, namely :—

"(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporate or unincorporate, which is an enemy as defined in rule 97 and which is or at any

time subsequent to the 2nd September 1939 was, carrying on business in British India, as they apply in relation to an enemy firm."

A. deC. Williams,

Secretary to the Government of India.

No. Rl. 654—*L. C.* 4-40-1, *Camp Mysore, dated* 19*th October* 1940.

In pursuance of the rule 65 of the Legislative Council Rules, 1940, and for the purpose of constituting the Legislative Council under the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are hereby pleased—

(*a*) to call upon all constituencies of the Legislative Council to elect members in accordance with the said rules before the 15th February 1941, and

(*b*) to appoint the following dates for the several stages of the election :—

1.	Presentation of notices of candidature.	Friday, 3rd January 1941, (before 3 P.M.)
2.	Scrutiny of notices of candidature.	Friday, 10th January 1941.
3.	Withdrawal of notices of candidature.	Saturday, 11th January 1941, (before 3 P.M.)
4.	Publication of lists of candidates with symbols, if any, in the office of the Returning Officer and in the Gazette.	Thursday, 16th January 1941.
5.	Poll in all territorial constituencies.	Saturday, 8th February 1941.
6.	Poll in women's constituencies and labour constituencies.	Sunday, 9th February 1941.
7.	Poll in all other constituencies.	Monday, 10th February 1941.

No. Rl. 671—*R. A.* 17-40-1, *dated Camp Mysore, the* 19*th October* 1940.

In pursuance of rule 85 of the Representative Assembly Rules, 1940, and for the purpose of constituting the Representative Assembly under the Government of Mysore

Act, 1940, the Government of His Highness the Maharaja are hereby pleased—

(*a*) to call upon all constituencies of the Representative Assembly to elect members in accordance with the said rules before the 15th February 1941, and

(*b*) to appoint the following dates for the several stages of the election :—

1.	Presentation of notices of candidature.	Friday, 3rd January 1941, (before 3 P.M.)
2.	Scrutiny of notices of candidature.	Friday, 10th January 1941.
3.	Withdrawal of notices of candidature.	Saturday, 11th January 1941, (before 3 P.M.)
4.	Publication of lists of candidates with symbols, if any, in the office of the Returning Officer and in the Gazette.	Thursday, 16th January 1941.
5.	Poll in all territorial constituencies.	Saturday, 8th February 1941.
6.	Poll in women's constituencies and labour constituencies.	Sunday, 9th February 1941.
7.	Poll in all other constituencies.	Monday, 10th February 1941.

No. T. 1125—*R. T.* 3-39-41, *dated Bangalore, the* 23*rd October* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Form C relating to Certificate of Registration of motor vehicles issued with Notification No. P. 6223—Legis. 23-35-8, dated 17th March 1936, and referred to in Para 1 of Rule 3 of the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been issued with Notification No. T. 667—R. T. 3-39-37, dated 31st August 1940 and published at page 310, Part IV of the *Mysore Gazette*, dated 5th September 1940.

Amendment.

For the existing paragraph under the heading "space for endorsing payment of tax" in Form C refered to above, substitute the following paragraph :—

"The Vehicle Tax, Road Tax and Service Tax of Rs..... (in words) Rupees ..... due

under the Mysore Road Traffic and Taxes Act in respect of the vehicle referred to in this book for the quarter, half-year or year ending.....has been paid at ..... on License No.....No toll at.....

No tax is payable for the quarter/half-year/year ending .....as the vehicle (here state reasons).....

Place.....

Date.....

Treasury Officer, ...Dist./Taluk Treasury.
District Superintendent of Police, Kolar Gold Fields.
Licensing Officer, ...Toll-Gate.

2. The above form for endorsing payment of tax shall be adopted in all Certificates of Registration to be issued from 1st January 1941.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Rl. 708—*L. C.* 5-40-1, *dated Bangalore, the 25th October* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 13-A" of the Legislative Council Rules, 1940.

13-A. (1) The fact that a person or body has, in relation to any constituency, more than one qualification to be included, or to nominate persons to be included, in the electoral roll therefor, shall not increase his or its rights as respects inclusion, or, as the case may be, the nominations of persons for inclusion, in that roll.

(2) No person shall be entitled to be included twice in the electoral roll of any particular constituency, and the fact that a person is included twice in the electoral roll for a constituency shall not increase his rights as respects voting therein.

No. Rl. 725—R. A. 19-40-1, dated Bangalore, the 25th October 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 13-A" of the Representative Assembly Rules, 1940.

13-A. (1) The fact that a person or body has, in relation to any constituency, more than one qualification to be included, or to nominate persons to be included, in the electoral roll therefor, shall not increase his or its rights as respects inclusion, or, as the case may be, the nominations of persons for inclusion, in that roll.

(2) No person shall be entitled to be included twice in the electoral roll of any particular constituency, and the fact that a person is included twice in the electoral roll for a constituency shall not increase his rights as respects voting therein.

No. Rl. 742—R. A. 20-40-1, dated Bangalore, the 25th October 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that clauses (1) and (2) of Rule 41 of the Representative Assembly Rules, 1940, shall be deleted and clause (3) renumbered as Rule 41.

By Order,

H. V. NARAYANA RAO,

Secretary to Government, Law Department.

Printed by the Superintendent at the Government Press, Bangalore.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 2237—*Legis.* 2-40-30, *dated Bangalore, the 5th November* 1940.

In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby order that any person in Mysore who, at any time after the 10th July 1940, became, or may hereafter become, the owner of any securities in respect of which the principal, interest or dividends are payable in the currency of United States of America or in respect of which the owner has an option to require the payment of principal, interest or dividends in the currency of the United States of America, shall, before the expiration of one month from the date of this notification, or, in the case of a person hereafter becoming such owner within one month of the date of his so becoming, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in Foreign exchange in British India), giving the following particulars with respect of those securities, that is to say,—

(*a*) the full name and address of the owner by whom or on whose behalf the return is made;

(*b*) a description of the security in full, including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.;

(*c*) the nominal amount of the security;

(*d*) whether the security is free or encumbered, and if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any, which has been taken against the security, and the currency in which, and the name and address of the person from whom, it has been taken;

(*e*) the place in which, and the name of the person with whom, the security is deposited;

(*f*) the full name and address of the person for whose account the security is held (if other than the owner making the return);

(*g*) in the case of a person who has ceased to be the owner of the security, the name and address of the transferee:

Provided that the Reserve Bank of India by general or special order exempt any person or class of persons from making the return.

No. P. 2238—*Legis.* 2-40-31, *dated Bangalore, the 5th November* 1940.

In exercise of the powers conferred by clause (*c*) of sub-rule (1) of rule 40 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby declare to be forfeited to His Highness the Maharaja all copies, in whatever language and wherever found in Mysore, of the publication noted in the margin, and all copies of all other documents containing some or all of the subject matter of the said publication.

All versions of the publication entitled "Adolph Hitler—Dictator of Germany", printed at the Guardian Press, 21, Anderson Street, Madras, and published by M. S. Ramulu & Co., 286, Esplanade, Madras.

By Order,

B. T. KESAVIENGAR,

Chief Secretary to Government.

No. Rl. 2859—*R. A.* 19-40-3, *dated Bangalore, the 2nd November* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Representative Assembly Rules, 1940, namely—

In rule 77, the following shall be added after the words "The Revising Authority may of his own motion" and before the word "order", namely:—

"direct the inclusion of the name of any person whose qualification entitles him to be registered and".

The relevant portion of the rule as amended runs as follows:—

"The Revising Authority may of his own motion direct the inclusion of the name of any person whose qualification entitles him to be registered and order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person..... ....."

No. Rl. 2876—*L. C.* 5-40-2, *dated Bangalore, the 2nd November* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Legislative Council Rules, 1940, namely—

In rule 57, the following shall be added after the words "The Revising Authority may of his own motion" and before the word "order" namely:—

"direct the inclusion of the name of any person whose qualification entitles him to be registered and".

The relevant portion of the rule, as amended, runs as follows:—

"The Revising Authority may of his own motion direct the inclusion of the name of any person whose

qualification entitles him to be registered and order the correction of any clerical error or incomplete entry in the roll as published, which he is satisfied should be made, and may likewise order to be expunged from the roll any incomplete entry which cannot be so corrected or the name of any person....."

No. T. 1280—*R. T.* 12-40-4, *dated Bangalore, the 5th November* 1940.

The following Draft Amendment which the Government propose to make in virtue of the powers vested in them by section 11 of the Mysore Motor Vehicles Act, 1928, to rule 16 of the Mysore Motor Vehicles Rules, 1924, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any objection or suggestion received on or before the 25th November 1940, in respect of the said draft will be considered by Government :—

Draft Amendment.

Add the following as proviso after Rule 16 (iii) (*ii*) (*b*) :—

"Provided that in the case of renewal of driving licenses issued by competent authorities in Mysore State to persons who are at present serving with Army units abroad and thus prevented from applying for renewal before the date of expiry, the lesser fee of Rs. 3 per renewal shall alone be levied if such applicants for renewal produce a certificate from the Officer-Commanding, Madras District, to this effect and apply for renewals not later than thirty days after their return to Mysore State.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 2979—*Ex.* 1-40-9, *dated Bangalore, the* 13*th November* 1940.

In exercise of the powers conferred by Section 17 of the Matches (Excise Duty) Act, 1934, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments shall be made in the Matches (Excise Duty) Rules, 1934, namely :—

1. In the said Rules—

For the proviso to Rule 3, the following proviso shall be substituted, namely :—

"Provided that, save with the sanction of the Government—

(1) the holder of such a license shall not be given a license in respect of any other manufactory within the same district;

(2) a member of the same Hindu undivided family as the holder of such a license shall not be given a license in respect of any other manufactory in the same district, if the Deputy Commissioner is satisfied that in the event of his being given such a license the business of the two

manufactories would be substantially conducted by and for the benefit of the Hindu undivided family."

II. After Rule 27, the following rule shall be inserted, namely :—

"27-A. If the Deputy Commissioner is satisfied that the business of two or more manufactories within the same district, in respect of which licenses are held by different members of the same Hindu undivided family, is being conducted substantially by and for the benefit of the Hindu undivided family, he may cancel any such license with the exception of the license first granted:

Provided that nothing in this rule shall be deemed to authorise the cancellation of a license granted after *7th October 1940*, with the sanction of the Government under paragraph 2 of the proviso to Rule 3."

III. In the forms appended to the said Rules—

(*i*) in Form A in Condition VI, for the words "the amount of duty to which he is assessed" the words "any amount of duty to which he may be assessed" shall be substituted; and

(*ii*) in Form B under heading "Orders of the Deputy Commissioner" before the word "boxes", the word "unbanderolled" shall be inserted.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. Rl. 858—*L. C.* 6-40-14, *dated Bangalore, the* 11*th November* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 22-A" of the Legislative Council Rules, 1940 :—

22-A—(1) A person who is a member of the Depressed Classes shall be qualified to be chosen in a territorial constituency to fill a seat in the Council if he has attained

the age of thirty years and is entitled to vote in the choice of a member to fill that seat, and—

(*a*) is assessed to a sum of not less than five rupees in the constituency on account of—

(i) taxes imposed under the Mysore Village Panchayat Act ; or

(ii) taxes imposed under the Mines Act ; or

(iii) taxes, other than toll and octroi, imposed under the Mysore City Municipalities Act, the Mysore Town Municipalities Act, or the Mysore Minor Municipalities Act ; or

(iv) taxes imposed by the Town Boards constituted by the Government from time to time ; or

(*b*) is the registered occupant of land in the constituency, the land revenue on which has been assessed at not less than twenty-five rupees per annum, payable to the Government.

No. P. 2413—*Legis.* 2-40-33, *dated Bangalore, the* 11*th November* 1940.

The following amendment shall be made in Notification No. 532-OR—40, dated 21st September 1940, of the Government of India, Defence Co-ordination Department republished under Notification No. P. 39—Legis. 2-40-23, dated 16th October 1940, namely :—

"In item (2) relating to rule 72, for the words, brackets and figures "(3) The Central Government.....", the words, brackets and figure "(3a) The Central Government....." shall be substituted.

No. P. 2412—*Legis.* 2-40-32, *dated Bangalore,* 11*th November* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 21st October 1940.

No. 583-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:—

In the said Rules,

1. In rule 41,—

(a) for sub-rule (*1*), the following sub-rule shall be substituted, namely:—

"(*1*) The Central Government or the Provincial Government may, for the purpose of securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(*a*) require that all matter, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(*b*) prohibit or regulate the printing or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any printing press."

(b) in sub-rule (*2*) for the words "Provincial Government" the words "Government making the order" shall be substituted.

2. In sub-rule (*1*) of rule 56,

(a) for the words "The Provincial Government," the words "The Central Government or the Provincial Government" shall be substituted, and

(b) the words "for such period as may be specified in the order" shall be omitted.

A. deC. Williams
Secretary to the Government of India.

No. T. 1361--*R. T.* 24-40-2, *dated Bangalore,*
12*th November* 1940.

The following draft amendment which the Government propose to make, in virtue of the powers vested in them under Sections 4 and 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Rule 1 of the Rules issued with Notification No. P. 3418—Legis. 46-35, dated 25th November 1935, as amended from time to time, is hereby published for general information, and any suggestions in respect of the said draft received on or before the 25th November 1940 will be considered by Government :—

Draft Amendment.

Under *Ex-officio* Members, *for* "Secretary to Government, Electrical Department, and Adviser to Government in Railway matters", *substitute* "One of the Members of Council of the Government of His Highness the Maharaja."

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Rl. 898—*R. A.* 24-40-1, *dated Bangalore, the 13th November* 1940.

Under Rule 79 (1) of the Representative Assembly Rules, 1940, the Government of His Highness the Maharaja are pleased to direct that the electoral roll of every constituency specified below shall be republished by the Registration Officer concerned with the amendments if any on the 23rd December 1940, and in the manner noted against each:

1. *A General or Mohummadan Rural Constituency*:—
   (*a*) so much of the roll as relates to each hobli at the hobli headquarters;
   (*b*) so much of the roll as relates to each taluk at the Taluk Office;
   (*c*) a complete copy of the roll at the Office of the Registration Officer.

2. *A General or Mohummadan Urban Constituency* :—

(*a*) so much of the roll as relates to each Municipality at the Municipal Office and the portion of the roll relating to each ward at a convenient place within the ward in the City Municipalities;

(*b*) a complete copy of the roll at the Office of the Registration Officer.

3. *Indian Christian Constituency*:—

(*a*) so much of the roll as relates to each taluk at the Taluk Office;

(*b*) so much of the roll as relates to each City Municipality or District at the Municipal Office or the District Office, as the case may be.

4. *European or Anglo-Indian Constituency* :—

A complete copy of the roll at the Office of the Registration Officer.

5. *The University Constituency*.—

A complete copy of the roll at the Office of the Registration Officer.

6. *Trade and Commerce Constituency* :—

A complete copy of the roll at the offices of the Mysore Chamber of Commerce and its affiliated associations and at the Office of the Registration Officer.

7. *Labour Constituency* :—

(*a*) so much of the roll as relates to each factory at the office of such factory;

(*b*) a complete copy of the roll at the Office of the Registration Officer.

8. *Co-operation Constituency* :—

(*a*) a complete copy of the roll at the office of the Mysore Co-operative Institute.

(*b*) a complete copy of the roll at the Office of the Registration Officer.

9. *Industry Constituency.*—

(*a*) so much of the roll as relates to the jurisdiction of an Inspector of Factories at the Office of the Inspector of Factories.

(*b*) a complete copy of the roll at the Office of the Chief Inspector of Factories.

(*c*) a complete copy of the roll at the Office of the Registration Officer.

10. *Gold Mining Constituency.*—

A copy of the roll at the Office of the Registration Officer.

11. *European and Indian Planting Constituencies.*—

So much of the roll as relates to each district at the Office of the Deputy Commissioner of the District.

12. *Women's Constituency*:—

(*a*) so much of the roll as relates to each taluk at the Taluk Office.

(*b*) a complete copy of the roll at the Office of the Registration Officer.

13. *Special Depressed Class Constituencies*:—

A copy of the roll of each Association at the office of the Association and at the Office of the Registration Officer.

No. Rl. 915—*L. C.* 7-40-1, *dated Bangalore, the* 13*th November* 1940.

Under Rule 59 (1) of the Legislative Council Rules, 1940, the Government of His Highness the Maharaja are pleased to direct that the electoral roll of every constituency specified below shall be republished by the Registration Officer concerned with the amendments, if any, on 23rd December 1940, and in the manner noted against each :—

1. *A General or Mohammadan Rural Constituency.*—

(*a*) So much of the roll as relates to each taluk at the Taluk Office;

(*b*) A complete copy of the roll at the Office of the Registration Officer.

2. *A General or Mohammadan Urban Constituency.*—

(*a*) The portion of the roll relating to each ward at a convenient place within the ward;

(*b*) A complete copy of the roll at the Office of the Registration Officer.

3. *Indian Christian Constituency.*—

So much of the roll as relates to each City Municipality or District at the Municipal Office or the District Office as the case may be.

4. *European Constituency.*—

A complete copy of the roll at the Office of the Registration Officer.

5. *The University Constituency.*—

A complete copy of the roll at the Office of the Registration Officer.

6. *Trade and Commerce Constituency.*—

A complete copy of the roll at the Office of the Mysore Chamber of Commerce and at the Office of the Registration Officer.

7. *Labour Constituency.*—

(*a*) So much of the roll as relates to each factory at the office of such factory;

(*b*) A complete copy of the roll at the Office of the Registration Officer.

8. *Mining Constituency.*—

A copy of the roll at the Office of the Registration Officer.

9. *European and Indian Planting Constituencies.*—

So much of the roll as relates to each district at the Office of the Deputy Commissioner of the District.

10. *Women's Constituency.*—

(*a*) So much of the roll as relates to each City Municipality at the Municipal Office;

(*b*) A complete copy of the roll at the Office of the Registration Officer.

No. Rl. 932—*R. A.* 25-40-1, *dated Bangalore, the* 13*th November* 1940.

Under Rule 129 of the Representative Assembly Rules, 1940, the Government of His Highness the Maharaja are pleased to fix Friday, the 31st January, 1941, as the date on or before which the Returning Officers of Special Constituencies for which postal voting has been prescribed shall send by post voting papers to each elector to the address entered against his name in the electoral roll.

No. Rl. 938—*L. C.* 8-40-1, *dated Bangalore, the* 13*th November* 1940.

Under Rule 109 of the Legislative Council Rules, 1490, the Government of His Highness the Maharaja are pleased to fix Friday, the 31st January, 1941, as the date on or before which the Returning Officers of Special Constituencies for which postal voting has been prescribed shall send by post voting papers to each elector to the address entered against his name in the electoral roll.

No. Rl. 959—*L. C.* 9-40-1, *dated Bangalore, the* 14*th November* 1940.

Under Rule 87 of the Legislative Council Rules, 1940, the Government of His Highness the Maharaja are pleased to direct that the Poll shall commence at 8 A.M. and close at 5 P.M. on the dates specified in Notification No. Rl. 654—L. C. 4-40-1, dated 19th October 1940, with an interval of two hours from 11 A.M. to 1 P.M.

No. Rl. 973—*R. A.* 26-40-1, *dated Bangalore, the* 14*th November* 1940.

Under Rule 107 of the Representative Assembly Rules, 1940, the Government of His Highness the Maharaja are pleased to direct that the Poll shall commence at 8 A.M. and close at 5 P.M. on the dates specified in Notification No. Rl. 671—R. A. 17-40-1, dated 19th October 1940 with an interval of two hours from 11 A.M. to 1 P.M.

No. P. 2629—Legis. 2-40-34, dated Bangalore, the 18th November 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy property (Custody and Registration) order, 1939, namely :—

I. In paragraph 3, for the words "enemy subject or enemy firm" wherever they occur the word "enemy" shall be substituted.

II. In paragraph 5, after the word "decree" the words "or orders of any other authority" shall be inserted.

III. For paragraph 8, the following paragraph shall be substituted, namely :—

"8 (1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form A full particulars of such balances or deposits, and may, within two months of such communication, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by that enemy.

Note.—Claims submitted later will not be considered unless there are exceptional and valid reasons for the delay.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore, shall, within two months of the vesting of the property of an enemy holding securities of the company, communicate to the Custodian in Form B full particulars of all securities of the company held by such enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months of the vesting of their property and thereafter at such intervals as may be prescribed by the Custodian, communicate to the Custodian in Form C full particulars

as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months of the vesting of his property, or if such money becomes payable after that period, within one month after it becomes payable, communicate to the Custodian in Form D full particulars of such money.

(5) Every person, other than a bank, residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months of the vesting of his property, communicate to the Custodian in Form E full particulars of such debts.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any property belonging to, or held by or managed on behalf of an enemy subject detained in an internment camp in British India and not conveyed by the preceding sub-paragraphs shall, within two months of the vesting of the property, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

(7) Where a return of enemy property has been made in any quarter to the Custodian in Form F or Form G, particulars of any income derived from such property during that and each subsequent quarter shall be communicated to the Custodian in Form H within one month of the expiry of the quarter; and if in any quarter no income has been derived, the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

(9) Notwithstanding the provisions contained in the preceding sub-paragraphs, the Custodian may, if he thinks fit,

(*a*) exempt any person or class of persons from making the returns mentioned therein, and

(*b*) extend in any particular case or class of cases the time limit laid down for the submission of such returns."

IV. For sub-paragraph (1) of paragraph 11 the following sub-paragraph shall be substituted, namely :—

"(1) There shall be retained by the Custodian fees equal to two per centum of—

(*a*) the amount of monies paid to him ;

(*b*) the proceeds of the sale or transfer of any property which is vested in him or of which the right of transfer is vested in him ; and

(*c*) the value of the residual property if any, at the time of its transfer to the original owner : provided that in the case of a firm whose property is vested in the Custodian but allowed by the Custodian to be managed by some person specially authorised in that behalf, there shall be levied a fee of two per centum of the gross income of the firm or such less fee as may be specifically fixed by the Government after taking into consideration the cost of direct management incurred by Government, the cost of superior supervision, and any risks that may be incurred by Government in respect of the management."

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. P. 2777—*Legis.* 2-40-41, *dated Bangalore, the* 26*th November* 1940.

In exercise of the powers conferred by sub-rule (2) of Rule 92 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby order every person who owns any balance or balances, whether held in Mysore or abroad, expressed in the currency of the United States of America, to offer or cause to be offered, before the expiration of one month from the date of this order, such balance or balances for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi and Delhi against payment of the equivalent value in rupees calculated on a basis, which, in the opinion of the Reserve Bank of India, represents the current buying rate for telegraphic transfers on the United States of America:

Provided that this order shall not apply to dealers in foreign exchange and cotton dealers authorised by the

Reserve Bank of India in this behalf and to persons not being subjects of His Highness the Maharaja, His Majesty the King Emperor or of an Indian State, who, in the opinion of the Reserve Bank of India are residents in Mysore for purposes of business only.

No. R. 3604—*L. R.* 327-40-6, *dated Bangalore, the* 22*nd November* 1940.

Under Section 283 of the Land Revenue Code and in pursuance of the orders issued in Government Order No. Camp R. 87-96—L. R. 349-39, dated 12th October 1940, the Government of His Highness the Maharaja are pleased to direct that Rule 43(1), Note to Rule 43, and Appendix P of the Land Revenue Rules be amended as follows:—

(1) The following shall be substituted for the existing Rule 43 (1):—

"All lands shall be sold by public auction after observing the prescribed formalities. But subject to the following limits as regards the extent and the value of the lands, the Sub-Division Officers, Deputy Commissioners and the Revenue Commissioner may, in special cases, grant an occupancy at an upset price to any *bona fide* applicant who is an agriculturist or proposes to cultivate the land himself, when they are satisfied that, in the event of a public auction being held, advantage may be taken of the needs of the applicant to force up the price:—

Sub-Division Officers up to four acres, the value not exceeding Rs. 100;

Deputy Commissioner up to 20 acres, the value not exceeding Rs. 400; and

Revenue Commissioner up to 50 acres, the value not exceeding Rs. 1,000.

In cases exceeding the above limits, the sanction of Government shall be necessary for the grant of lands at an upset price. These concessions are not to be shown to absentees and to people speculating in lands."

(2) For the Note to Rule 43 of the Land Revenue Rules, the following shall be substituted :—

"Amildars are empowered to sanction, either free or for upset price to landless members of the depressed classes, two acres of cultivable dry land, though the entire extent including the phut kharab when phoded may be in excess of two acres, provided the value of the land does not exceed Rs. 25. The Sub-Division Officers may, similarly, grant lands not exceeding four acres in extent to landless members of the depressed classes provided the value does not exceed Rs. 50."

(3) In paragraph 1 of Appendix P of the Land Revenue Rules, '100' shall be substituted for '50' wherever it occurs.

By Order,
B. T. KESAVIENGAR,
Chief Secretary to Government.

No. G. 4521—*P. H.* 144-39-2, *dated Bangalore, the 22nd November* 1940.

The Government of His Highness the Maharaja of Mysore are pleased to publish, for the information of the public, the following rules framed under Section 15 of Act VIII of 1936 for the suppression of brothels and immoral traffic in the Mysore State.

By Order,
C. E. NORONHA,
Secretary to Government, Development Department.

RULES UNDER THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC ACT IN MYSORE STATE

(Framed under Section 15 of Act VIII of 1936.)

Rules to come into force from December 1, 1940.

1. (1) These Rules may be called "The Mysore Suppression of Brothels and Immoral Traffic Rules, 1940."

(2) They shall come into force on the 1st day of December 1940.

Medical Examination of girls on admission into the rescue home.

2. On the admission of a girl into a rescue home or other place of custody under the provisions of sections 7 and 8, the superintendent of the rescue home* or the person in charge of the place of custody shall take the girl to the nearest hospital for women and children for examination. If there is no such hospital within a reasonable distance, the medical examination of the girl shall be conducted by the nearest qualified lady doctor. Girls found to be suffering from any venereal disease shall be kept as far as possible separate from other inmates of such a home or place of custody. Girls suffering from minor ailments requiring medical attendance shall be taken to the out-patients' department of the hospital for women and children for treatment as out-patients. If any girl is suffering from serious illness, she shall be taken to the nearest hospital for admission and information shall immediately be sent to the District Magistrate concerned.

Serious illness, if any, to be reported to the District Magistrate.

Reporting death of inmates immediately to the District Magistrate.

3. In the case of the death of any of the girls, the superintendent of the rescue home or the person in charge of the place of custody shall immediately report the circumstances of the case to the District Magistrate concerned.

Reports of escape or recapture of inmates to be immediately made to the authorities concerned.

4. (1) The superintendent of the rescue home or the person in charge of the place of custody shall give immediate notice of the escape or recapture of any inmate of the rescue home or place of custody, as the case may be, to—

(*a*) the Director of Public Health;

(*b*) the nearest police station;

(*c*) the Superintendent of Police, Bangalore City, or the District Superintendent of Police concerned, and

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* "rescue home" provided or aided or recognised by the Government.

(*d*) the District Magistrate concerned.

(2) On receipt of such a notice of escape under sub-rule (1) above, the officer in charge of the police station shall take necessary steps to recapture the inmate and to bring her back to the rescue home or place of custody from which she escaped.

Preventing of evil influence.

5. The superintendent of the rescue home or the person in charge of the place of custody shall take every care and precaution to prevent the exercise of evil influence by any person on the girls when they are in such home or place of custody.

Floor space for each inmate.

6. (1) Every girl shall have a separate bed with a floor space of not less than 8′ × 5′ per bed.

Dress of inmates.

(2) Every girl shall wear such dress as the superintendent of the rescue home or the person in charge of the place of custody considers suitable for her.

Inculcating habits of cleanliness and discipline.

(3) the superintendent of the rescue home or the person in charge of the place of custody shall make every effort to instil in the girls habits of cleanliness and discipline.

Food in accordance with caste scruples.

7. Plain and wholesome food shall be supplied to the girls in accordance with their caste scruples.

Suitable employment for inmates.

8. Suitable employment which shall include house work, sewing and the like shall be provided for the girls. A portion of each day shall be devoted to instructing the girls on educational subjects suitable to their age and capacity. The girls shall be allowed proper intervals for rest and recreation.

Rescue home to be under the purdah system.

9. The rescue home or the place of custody shall be kept under the "purdah" system. No girl shall be allowed to see visitors or receive letters without the express permission of the superintendent of the rescue home or the person in charge of the place of custody and no male visitor shall be permitted to interview any of the girls except in the presence of the superintendent of the rescue home or the person in charge of the place of custody.

Conditions in respect of interview with male visitors.

Attendance before the police or before a Court only on written requisition by competent authority.

10. Any girl whose attendance is required before the police or before a court of law shall be permitted to leave the rescue home or the place of custody for the purpose only on receipt of a written requisition signed by the Superintendent of Police in the case of Bangalore City,

and elsewhere by the District Superintendent of Police or of a summons issued by a court of competent jurisdiction. The girl shall in such cases be accompanied by the superintendent of the rescue home or the person in charge of the place of custody.

Director of Public Health to superintend and control the working of these rules.

11. (1) It will be the duty of the Director of Public Health to superintend and control the working of these rules in the rescue homes and other places of custody referred to therein.

Appointment of boards of visitors.

(2) The Government may, in consultation with the Director of Public Health, appoint for any local area to which the Act has been extended a board of visitors (hereinafter referred to as the board) to visit the rescue homes and other places of custody situated within such local area and to comment and advise on matters affecting the administration of the rescue homes and other places of custody.

Lady Medical Officer, V. V. Hospital, to be *ex-officio* president of the board of visitors.

(3) (*a*) In the case of the City of Bangalore, the board shall consist of the following members, namely :—

(i) The Inspectress of Girls' Schools having jurisdiction over the City of Bangalore, *ex-officio*.

(ii) The Lady Medical Officer, Vani Vilas Hospital, Bangalore, *ex-officio*.

(iii) Not less than three and not more than five women non-officials appointed by the Government.

(iv) The Principal, Women's (Maharani's) College.

The Lady Medical Officer, V. V. Hospital, Bangalore, shall be the *ex-officio* president of the board.

(*b*) Elsewhere, the board shall consist of the following members, namely :—

(i) The Inspectress of Girls' Schools within whose circle the board exercises jurisdiction, ex-officio ;

(ii) the nearest lady doctor of a Government institution, and

(iii) not less than three and not more than five women non-officials appointed by the Government.

The Inspectress of Girls' Schools shall be the ex-officio president of the board.

(4) A non-official member shall hold office for two years from the date of her appointment and shall be eligible for reappointment.

Non-official members of the board of visitors shall hold office for a period of two years.

(5) The board shall meet at least once in every three months. The meetings of the board shall be held in the rescue home or, if there are two or more rescue homes in any area, in each rescue home by rotation. The superintendent of the rescue home in which the meeting is held shall be the secretary of the board for the meeting.

The board of visitors shall meet at least once in three months and transact business.

(6) No business shall be transacted at a meeting of the board unless at least three members are present.

The quorum for the board of visitors shall be three members present.

(7) The president shall preside at every meeting of the board at which she is present. If the president is absent from any meeting, the members present shall elect one of their number to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the president.

If the ex-officio president is absent, the members shall elect one of them to preside over the meeting.

(8) The board shall fix the day and hour of its meeting, and a week before the day so fixed, a notice thereof, together with an abstract of any special matters to be considered, shall be furnished to the members by the secretary of the board.

The secretary of the board of visitors shall be the superintendent of the rescue home.

(9) In addition to the duties mentioned in Sub-rule (2) the board shall in consultation with the superintendent of the rescue home or the person in charge of the place of custody, recommend to Government the premature discharge of girls before the expiry of the full term for which detention has been ordered by the court, in suitable cases, such as for instance, cases in which there are offers of suitable marriage. In cases in which premature discharge is recommended on the ground of offer of marriage, it shall be the duty of the board to satisfy itself as to the *bona fides* of the offer before it makes any recommendation to Government. All such recommendations to Government for the premature release of girls placed under detention should be submitted through the Director of Public Health.

Premature discharge of girls before the expiry of the full term of detention.

12. (1) The Director of Public Health may, for any of the following reasons to be recorded in writing, order the transfer of a girl detained in a rescue home or place

Transfer of girls from one rescue home or place of custody to another may be effected for special reasons recorded by the Director of Public Health.

of custody to any other rescue home or place of custody :—

(*a*) When the transfer is for the welfare of the girl or is in the interests of discipline;

(*b*) when the rescue home or place of custody has no accommodation in it;

(*c*) when the rescue home or place of custody is unfit for the detention of a girl; or

(*d*) for any other special reason.

For such transfer the girl should be in a fit state of health to undergo the transfer.

(2) The superintendent of the rescue home or the person in charge of the place of custody shall, before effecting such transfer, satisfy herself that the girl to be transferred is in a fit state of health to undergo the transfer.

The girl on transfer shall be escorted by a woman considered suitable by the superintendent or person in charge.

(3) The girl shall be escorted by a woman considered suitable for the purpose by such superintendent or person in charge.

All records and personal property of the girl transferred shall be handed over by the escort to the superintendent or the person in charge to whose charge the girl is transferred.

(4) All the records and personal property, if any, relating to the girl transferred shall be handed over to the escort to be delivered to the superintendent of the rescue home or the person in charge of the place of custody to which the girl is transferred.

The superintendent or the person in charge shall verify and acknowledge receipt of such documents and property of the girl taken charge of.

(5) The superintendent of the rescue home or the person in charge of the place of custody to which the girl is transferred shall, on the arrival of the girl and after due verification, acknowledge the correct receipt of the documents and property.

The total period of detention shall not be affected by such transfer.

(6) The total period of detention of a girl ordered by the court shall on no account be increased by any transfer under sub-rule (1).

Licence under Section 7 of the Act permitting the inmates of rescue homes to live with specified persons.

13. (1) Where a girl is detained under section 7 of the Act in a rescue home or other place of custody in pursuance of an order of a court, the superintendent of the rescue home or the person in charge of the place of custody may, at any time after the expiration of three months of the period of detention and with the consent of the board, by licence permit the girl on the conditions specified therein to live with any trustworthy and respectable woman named in the licence, willing to receive and take charge of the girl.

The form of the licence shall be as follows:—

Form of licence.

"I, ... superintendent of the rescue home at ..... or person in charge of ..... where (name .....) a girl aged ..... years is being kept in custody under Section 7 of the Mysore Suppression of Brothels and Immoral Traffic Act, 1936, with the sanction of the board of visitors of the locality in which such rescue home or place of custody is situate, do hereby permit her to live under the charge of ..... on condition that the said ..... shall take every care and precaution to prevent the exercise of any evil influence by any person on the said ..... and, where necessary, keep her employed at .....

This licence will be in force until revoked or forfeited or the girl attains the age of ..... years.

Witness my hand this ..... day of ..... 194 .

Superintendent or person in charge of rescue home or place of custody."

Witness.

Licence to be in force until revoked.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

Procedure to compel any girl living under such licence to return to the rescue home.

(3) The superintendent of the rescue home or the person in charge of the place of custody may at any time, after consulting the board, by order in writing revoke such licence and order the girl to return to the rescue home or place of custody and shall do so at the desire of the person with whom the girl is licensed to live. If the girl refuses or fails to return to the rescue home or place of custody,

the superintendent may apply to the magistrate to cause her removal to the rescue home or place of custody.

Magistrates empowered to issue such orders.

(4) The magistrate to whom such an application is made may issue an order directing any police officer not below the rank of an inspector specially authorised in writing in this behalf by the Superintendent of Police in the case of Bangalore City, or elsewhere by the District Superintendent of Police to remove the girl wherever found to the rescue home or place of custody and thereupon such police officer shall have the power to enter into any place where the girl is found and to remove her to the rescue home or place of custody.

Calculation of the total period of detention in the rescue home.

(5) The time during which a girl is absent from a rescue home or place of custody in pursuance of a licence shall be deemed to be part of the time of her detention in the rescue home or place of custody:

Provided that where a girl has failed to return to the rescue home or place of custody on the licence being revoked or forfeited, the time which elapses after her failure so to return shall be excluded in computing the time during which she is to be detained in the rescue home or place of custody.

No girl to be licensed out except under proper arrangements made for education, training of employment.

14. No girl shall be licensed out unless the superintendent of the rescue home or the person in charge of the place of custody from which she is licensed, is satisfied that due arrangements have been made for the education, training or employment of the girl while so licensed.

Monthly reports to be sent on the conduct and progress of the girl licensed out.

15. When a girl is licensed out, the superintendent of the rescue home or the person in charge of the place of custody shall send every month a report form to the person with whom the girl is licensed to live and such person shall fill in and return the same or cause it to be filled in and returned to such superintendent or person in charge with a brief report of the conduct and progress of the girl.

Supervision of girls licensed out to be made by the Superintendent of the rescue home.

16. In all cases of girls living out on licence, regular supervision, so far as the circumstances permit, shall be exercised by the superintendent of the rescue home or the person in charge of the place of custody, as the case may be.

Disposal Register to be maintained in the rescue home.

17. A disposal register shall be kept in every rescue home or place of custody in which shall be entered full particulars of the manner in which every inmate was

disposed of on licence or on discharge and of her after-career. Every effort shall be made by the superintendent of the rescue home or the person in charge of the place of custody to keep in touch with the inmates for at least three years after discharge.

Annual return to be submitted to the Director of Public Health.

18. An annual return as well as the remarks made by the board from time to time during the year to which the return relates shall be submitted by the superintendent of the rescue home or the person in charge of the place of custody to the Director of Public Health.

The Director of Public Health to submit annual reports to Government on the working of these Rules.

19. The Director of Public Health shall submit annually to Government a detailed report on the working of these Rules.

No. T. 1485—*R. T.* 28-40-3, *dated Bangalore, the 22nd November* 1940.

The following draft amendment to Rule 4 of the Mysore Motor Vehicles Tax Rules, Part I (page 132 of the Mysore Motor Manual), which the Government of His Highness the Maharaja propose to make in virtue of the powers vested in them under Section 33 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, as amended by Act No. IX of 1936, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 19th December 1940 from such persons in respect of the draft amendment will be considered by Government.

Draft Amendment.

Add the following as sub-rule (iv) to Rule 4 of the Motor Vehicles Tax Rules, Part I:—

"(iv) The licenses together with declaration forms will be supplied to all the licensing officers according to their requirements one month in advance before the beginning of each quarter or half-year as required, by the Inspector-General of Police. Supplementary indents will, however, be complied with only on receipt of requisitions from the licensing officers in Form 1-A appended to these rules. If, at any time, it is found by the licensing officers that the licenses and forms supplied are not required or are in excess of actual requirements, they will be returned with

a covering memo in Form 1-B to the Inspector-General of Police who will acknowledge the receipt thereof in Form 1-C.

Insert the following Forms 1-A, 1-B and 1-C after the existing Form 1 under Appendix 1 (page 160 of the Motor Manual):—

FORM 1-A.

No..... Place.....
Date.....

Supplementary indent for license books and other forms :—

To—The Inspector-General of Police in Mysore, Bangalore.

It is requested that the license books and other forms as detailed overleaf may kindly be caused to be supplied at an early date.

Licensing Officer,
Treasury.
.....*Toll-gate.*

Sl. No.	Particulars of licenses and forms	No. required		No. in stock on date of indent	No. supplied
		Books	Licenses		
1	Vehicle-tax licenses for the half-year ending				
2	Service-tax licenses for the quarter ending				
	(*a*) for cabs ...				
	(*b*) for buses ...				
3	Road-tax licenses for the quarter ending				
4	Composition toll tokens—				
	(*a*) for the quarter ending.....				
	(*b*) for the year ending.....				
5	S. W. licenses				
6	S. M. licenses				
7	Declaration forms for taxes ...				
8	Do for toll composition tokens.				
9	Treasury register of receipts ...				
10					
11					
12					

FORM 1-B.

No..... Place.....

Date.....

To

The Inspector-General of Police in Mysore,
Bangalore.

The license books and other forms noted overleaf which are either not required for use or are in excess of actual requirements are returned herewith. The receipt of the same may kindly be acknowledged.

Licensing Officer,

Treasury.
Toll-gate.

Sl. No.	Particulars of licenses and forms	No. received		No. used		Bal. returned	
		From	To	From	To	From	To
1	Vehicle-tax licenses for the half-year ending.....						
2	Service-tax licenses for the quarter ending						
	(*a*) for cabs ...						
	(*b*) for buses ...						
3	Road-tax licenses for the quarter ending						
4	Composition toll tokens—						
	(*a*) for the quarter ending ...						
	(*b*) for the year ending.....						
5							
6							
7							
8							

FORM 1-C.

No. Office of the Inspector-General of Police in Mysore,
Dated Bangalore, the.....

Acknowledgment.

The receipt of license books and other forms as detailed overleaf sent with his No.....dated..... is hereby acknowledged.

Inspector-General of Police.

To

The Licensing Officer,
.....Treasury.
.....Toll-gate.

Sl. No.	Particulars of licenses and forms	No. received	
		From	To
1	Vehicle-tax licenses for the half-year ending.....		
2	Service-tax licenses for the quarter ending.....		
	(*a*) for cabs		
	(*b*) for buses		
3	Road-tax licenses for the quarter ending.....		
4	Composition toll tokens—		
	(*a*) for the quarter ending.....		
	(*b*) for the year ending		
5			
6			
7			
8			

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

No. P. 2711—*Legis.* 2-40-38, *dated Bangalore, the* 21*st November* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government, Law Department.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 2*nd November* 1940.

No. 591-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 90A, of the said rules the following rule shall be inserted, namely :—

90B. " Restriction on export of money.—

(1) In this rule "money" means any coin or currency note which is legal tender in British India or elsewhere, and includes bills of exchange.

(2) No person shall, except with the permission of the Reserve Bank of India or of a person authorised in this behalf by the said Bank, take or send out of British India to a place or country outside India and Burma money in excess of such amount as may be specified in this behalf by the said Bank.

(3) Any person who on any occasion is about to leave British India for a place outside India and Burma (which person is hereafter in this rule referred to as " the traveller") shall, if on that occasion he is ordered so to do by an Officer of Customs,—

(*a*) declare with full details the money he has with him; and

(*b*) produce for the inspection of the officer the money and the permission, if any, granted in pursuance of sub-rule (2).

(4) Any Officer of Customs, and any person acting under the directions of such officer, may—

(*a*) examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any money in contravention of the provisions of this rule;

(*b*) if he has reasonable ground for suspecting that the traveller has about his person any money which he has not produced for inspection, search the person of the traveller;

(*c*) seize any money produced for inspection under sub-rule (3) or found upon examination or search under this sub-rule, being money which the traveller has in his possession in contravention of the provisions of this rule:

Provided that no female shall be searched in pursuance of the provisions of this sub-rule, except by a female.

(5) If, upon his being ordered to make a declaration or to produce any money under the povisions of sub-rule (3), any person knowingly makes a declaration which is false or not true, or fails to produce the money, he shall be deemed to have contravened the provisions of this rule.

(6) Any money seized in pursuance of the provisions of this rule, shall be disposed of in such manner as the Central Government may by general or special order direct.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 2nd November 1940.

No. 592-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of

1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 84 of the said Rules—

(1) in sub-rule (3) for the words "by or under the order, the import or export, or the carriage castwise or the shipment as ships' stores of all goods or goods of any specified description", the following shall be substituted, namely :—

"by or under the order,—

(i) the import, export, carriage castwise or shipment as ships' stores of all goods or goods of any specified description ;

(ii) the shipment of fresh water on sea-going vessels";

(2) in sub-rule (4), after the words "of any goods," the words "or any shipment of fresh water" shall be inserted, and after the words "such goods" the words "or as the case may be such fresh water" shall be inserted.

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th October 1940.

No. 580-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 26 of the said rules, after sub-rule (5-A), the following sub-rule shall be inserted, namely :—

"(5-B) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed,

that Government may make a report in writing of the facts to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate."

A. deC. Williams,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th October 1940.

No. 516-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 54 of the said rules,—

(1) For sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) The Central Government or the Provincial Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of —

(*a*) arms or articles capable of being used as arms;

(*b*) ammunition;

(*c*) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884."

(2) In sub-rule (2),—

(*a*) after the word "arms" wherever it occurs, the words "articles capable of being used as arms," shall be inserted;

(*b*) in clause (b)—

(i) the words "or other articles" wherever they occur shall be omitted;

(ii) for the words "ammunition, explosive substances" the words "ammunition or explosives substances" shall be substituted;

(iii) after the words "carried by him," the words "which such officer or other public servant suspects to be possessed or carried" shall be inserted.

A. deC. Williams,
Secretary to the Government of India.

No. P. 2712—*Legis.* 17-40-2, *dated Bangalore, the* 21*st November* 1940.

The following Ordinance of the Government of India, Legislative Department and the Notification of the Government of India, Finance Department, are hereby republished for general information.

By Order,

H. V. Narayana Rao,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Simla, the 11th October 1940.

ORDINANCE No. XII OF 1940.

AN

ORDINANCE

further to amend the Indian Coinage Act, 1906.

III of 1906. Whereas an emergency has arisen which makes it necessary further to amend the Indian Coinage Act, 1906, for the purpose hereinafter appearing;

26 Geo. 5, C.2. Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

Short title and commencement. 1. (*1*) This Ordinance may be called the Indian Coinage (Second Amendment) Ordinance, 1940.

(*2*) It shall come into force at once.

III of 1906. Amendment section 15-A. Act III of 1906. 2. In section 15-A of the Indian Coinage Act, 1906,—

(*a*) the words, brackets and figures "other than the rupee and half-rupee referred to in sub-section (1) of section 12" shall be omitted;

(*b*) for the words "save at a Government currency office" the words "save to such extent as may be specified in the notification" shall be substituted; and

(*c*) the proviso shall be omitted.

Linlithgow,

Viceroy and Governor-General.

SIMLA,
The 10th October, 1940.

G. H. Spence,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

NOTIFICATION.

Simla, the 11th October 1940.

No. D/C.-1861-F.—In exercise of the powers conferred by section 15-A of the Indian Coinage Act, 1906 (III of 1906), as amended by the Indian Coinage (Second Amendment) Ordinance, 1940 (Ordinance No. 12 of 1940), the Central Government is pleased—

(i) to call in with effect from the 1st April, 1941, all rupee and half-rupee coins bearing on the obverse the effigy of Her late Majesty Queen Victoria; and

(ii) to direct that on and from the said date the said coins shall cease to be legal tender save—

(*a*) at the offices of the Issue Department of the Reserve Bank of India at Bombay and Calcutta till further notice, and

(*b*) at any Government Treasury or Post Office till the 30th September 1941.

P. R. Rau,
Additional Secretary to the
Government of India.

Order No. P. 2762 —*Legis.* 23-40-1, *dated Bangalore, the 26th November* 1940.

Ordered that the accompanying Emergency Act to provide for the constitution of Civic Guards in Mysore which received the assent of His Highness the Maharaja, on the 5th day of November 1940, be published as Act No. XXVII of 1940, in the *Mysore Gazette* for general information.

H. V. Narayana Rao,
Secretary to Government,
Law Department.

Act No. XXVII OF 1940.

The Civic Guards (Emergency) Act, 1940.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF CIVIC GUARDS IN MYSORE.

(*Received the assent of His Highness the Maharaja on the fifth day of November* 1940.)

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Civic Guards in Mysore.

NOW THEREFORE, under Section 12 of the Mysore Legislative Council Act, 1925, it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Civic Guards (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Constitution of Civic Guards.

2. The District Magistrate of a district may constitute for that district a body to be called the Civic Guard, the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Appointment of members.

3. The District Magistrate of a district may appoint as members of the Civic Guard so many persons, who are fit and willing to serve as such, as he is authorised by the Government to appoint and may appoint any such member to any office of command in the Civic Guard.

Functions of members.

4. The District Magistrate of a district may at any time call out a member of the Civic Guard for training or to discharge any of the functions assigned to the Civic Guard in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (1) A member of the Civic Guard when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force.

(2) No prosecution shall be instituted against a member of the Civic Guard in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the District Magistrate.

6. The members of the Civic Guard when called out under section 4 directly in aid of the police force, shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 8. Control by officers of police force.

7. If any member of a Civic Guard, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Civic Guard, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent court, be punishable with fine which may extend to fifty rupees. Penalty.

8. The Government may make rules consistent with this Act— Rules.

(*a*) providing for the exercise by any police officer or other servant of the Government of the powers conferred on the District Magistrate by section 4 of this Act;

(*b*) providing for the exercise of control by officers of the police force over members of the Civic Guard when acting directly in aid of the police force;

(*c*) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the Civic Guard and the manner in which they may be called out for service;

(*d*) conferring on members of the Civic Guard according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any Act;

(*e*) generally for giving effect to the provisions of this Act.

MIRZA M. ISMAIL,
Dewan.

CORRIGENDUM.

No. P. 2776—Legis. 2-40-40, dated Bangalore, the 26th November 1940.

In Notification No. P. 1096—Legis. 2-40-19, dated 23rd August 1940, *for* the word and figure "rule 115" *read* "rule 116".

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

No. P. 2775—*Legis.* 2-40-39, *dated Bangalore, the* 26*th November* 1940.

The following notification of the Government of India, Department of Communications, is hereby re-published for general information.

By Order,
H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMUNICATIONS.

NOTIFICATION.

Dated New Delhi, the 7*th November* 1940.

No. W 28 (3)/39.—In pursuance of sub-rule (2) of rule 7-A of the Indian Aircraft Rules, 1937, the Central Government is pleased to empower, for the purpose of the said sub-rule, the officers specified in the first column of the Schedule annexed hereto when on duty at the aerodromes specified in the corresponding entry in the second column of the said Schedule.

Schedule.

	Officers.	*Aerodromes.*
1.	The Sergeant of the Calcutta Police.	Dum Dum Air Port.
2.	The Inspector of the River Traffic Police.	Seaplane Station, Willingdon Bridge, Bally.
3.	The Customs Officer, Meenambakkam.	Meenambakkam Aerodrome.
4.	The Customs Collector, Trichinopoly.	Trichinopoly Aerodrome.
5.	The Sergeant and the Sub-Inspector of Police.	Karachi (Drigh Road) Air Port.
6.	The Sub-Inspector of Police.	Karachi Seaplane Station.
7.	All Police Officers not below the rank of Inspector.	Bombay (Juhu) and Ahmadabad Aerodromes.

A. D. Gorwala,
Deputy Secretary to the Government of India.

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Regd. No. M.—1175.

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BANGALORE, THURSDAY, DECEMBER 5, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 2538—I. & C. 252-40-4, dated Bangalore, the 29th November 1940.

In exercise of the powers conferred by Section 3(A) of the Mysore Weights and Measures Act No. III of 1902, as amended by Act No. IX of 1927, the Government of His Highness the Maharaja of Mysore are pleased to make the following new rule which shall be inserted as Rule 15-B after Rule 15-A of the Rules issued under the said Act.

"15-B. The use of a weight or measure not certified and stamped or not retested and restamped in accordance with these Rules shall be liable to the penalty prescribed in Section 5 of the Act."

2. This rule will come into force from the date of this Notification.

No. D. 2540—*I. & C.* 136-39-7, *dated Bangalore, the 29th November* 1940.

In exercise of the powers vested in them under Section 78(2) of the Mysore Factories Act, I of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules regarding the marginally noted hazardous operations under the said Act, the draft notification in this behalf having been already published with Notification No. D. 5641—I. & C. 136-39-6, dated the 20th June 1940.

1. Chromium.
2. Cellulose.
3. Sand Blasting.
4. Cyanogen compounds.

2. The rules will come into force from the date of this Notification.

By Order,

C. E. NORONHA,

Secretary to Government, Development Department.

Chromium Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous (Chromium) Rules, 1940.

(*b*) They shall apply to all factories in which any operation involving the use of soluble chromium compounds is carried on.

2. *Declaration of Operations as Hazardous.*—Operations involving the use of soluble chromium compounds are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the Employment of Women, Children and Adolescents.*—No woman, child, or adolescent shall be employed in any factory in any of the operations specified in rule 2.

4. *Protective Clothing.*—(*a*) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in rule 2 shall wear.—

(*b*) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other water-proof foot wear for the use of those working at any vessel in which electrolytic plating or oxidation of metal article by the use of an electrolyte containing chromic acid or other chromium compounds or any process subsequent thereto is carried on:

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

5. *Exhaust Draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

Cellulose Spraying Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1940.

(*b*) They shall apply to all factories in which the spraying of cellulose ester paints and lacquers is carried on.

2. *Declaration of Operation as Hazardous.*—The spraying of cellulose ester paints or lacquers is declared to be hazardous operation when carried on in any factory.

3. *Prohibition of the Employment of Children and Adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in rule 2.

4. *Exhaust Draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is

carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation:

Provided that the Chief Inspector of Factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

5. *Position of Spray Operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

Sand Blasting Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous Operations (Sand Blasting) Rules 1940.

(*b*) They shall apply to all factories in which the operation of sand blasting as defined in rule 2 is carried on.

2. *Definition.*—In these rules sand blasting means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

3. *Declaration of Operation as Hazardous Operation.*—Sand blasting is declared to be a hazardous occupation when carried on in any factory.

4. *Prohibition of the Employment of Women Adolescents and Children.*—No woman, adolescent or child shall be employed in any factory on sand blasting.

5. *Protective Clothing.*—(1) No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 feet of sand blasting apparatus in operation in the open air, unless he is wearing a suitable helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber, unless he is wearing a suitable protective helmet, overalls and gauntlets or to insert his arm or hand into the chamber unless he is wearing a suitable gauntlet while sand blasting is carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

Cyanide Rules.

1. *Title and Application.*—(*a*) These Rules may be called Hazardous Operations (Cyanide) Rules, 1940.

(*b*) They shall apply to all factories in which any operation involving the use of Cyanogen compounds is carried on.

2. *Declaration of Operations as Hazardous.*—Operations involving the use of cyanogen compounds are declared to be hazardous occupations when carried on in any factory.

3. *Prohibition of the Employment of Women, Children and Adolescents.*—No woman, child or adolescent shall be employed in any of the operations specified in Rule 2.

4. *Protective Clothing and Antidote.*—(1) Occupier shall provide rubber gloves for hands and arms of workmen reaching above the elbows, employed in any of the operations specified in rule 2.

(2) The occupier shall keep a box containing the antidote consisting of the following:—

1. 30 c.c. of a 23 per cent solution of ferrous sulphate.
2. 30 c.c. of a 5 per cent solution of caustic potash.
3. Two grams of powdered oxide of magnesium.

(3) The abovenamed box should be provided with a glass front and placed in some conspicuous place in the factory and the words "Antitode for cyanide poisoning" with clear instructions of its use should be painted on the box.

5. *Exhaust Draught.*—An efficient exhaust draught shall be provided in the chamber where operations specified in rule 2 are carried on. The draught shall operate on

the vapour given off as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which the operations are carried on.

No. P. 2808—*Legis.* 25-40-1, *dated Bangalore, the 27th November* 1940.

In exercise of the powers conferred by Section 24 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to make the following further amendment to the Mysore Moneylenders Rules, 1940, namely:—

After rule 12, the following rule shall be added as rule 12-A, namely,—

"12-A. Where a Moneylender to whom a certificate under rule 11 or rule 12 has been issued, satisfies the Registrar who issued the certificate that it has been lost and makes an application for a duplicate, the Registrar may issue a duplicate certificate. The duplicate shall be an exact copy of the original, but shall bear on its face in red ink the word *Duplicate*. Every application for a duplicate certificate shall bear a Mysore Court Fee Stamp of the value of annas eight."

No. T. 1558—*R. T.* 31-40-2, *dated Bangalore the 28th November* 1940.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Nallurpala toll-gate on the Murkal-Hunsur Road, Hunsur Taluk, be shifted towards Hunsur beyond the junction of the said road with the Heggaddevankote-Hunsur Road.

No. Rl. 1326—*R. A.* 32-40-1, *dated Bangalore, the 30th November* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Representative Assembly Rules, 1940, namely—

In Rule 138 the following shall be added after the words "In the case of elections to the special seats reserved for the depressed classes, the Government may by notification in the Official Gazette", and before the word "direct" namely—

"appoint a Returning Officer or Returning Officers, as the case may be, and"

The rule as amended reads as follows:—

"In the case of elections to the special seats reserved for the depressed classes, the Government may by notification in the Official Gazette appoint a Returning Officer or Returning Officers, as the case may be, and direct the application of the provisions of rules 104 to 127 relating to personal voting or of the provisions of rules 128 to 137 relating to postal voting for the conduct of elections in the constituent associations as circumstances may require."

No. Rl. 1336—*R. A.* 33-40-1, *dated Bangalore, the 30th November* 1940.

Under Rule 138 of the Representative Assembly Rules as amended by notification No. Rl. 1326—R. A. 32-40-1, dated 30th November 1940, the Government of His Highness the Maharaja are pleased to appoint the Deputy Commissioner, Chitaldrug, as the Returning Officer of the following constituent associations:—

1. *Voddars.*

(*a*) The Chitaldrug District Voddar Sangha, Chitaldrug, with its branch at Jagalur.

(*b*) Ujjani Mahakali-Gangavarga Vallibha Sangha, Kolar.

2. *Banajars.*

The Banajar Sangha, Chitaldrug.

Government are further pleased to direct that the provisions of rules 104 to 127 of the Representative Assembly Rules, relating to personal voting shall apply for the conduct of elections in the constituent associations specified above.

No. T. 1574—*R.T.* 24-40-3, *dated Bangalore, the 2nd December* 1940.

In exercise of the powers conferred on them by Sections 4 and 33 of the Mysore Road Traffic and Taxes Act VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 1 of the rules issued with Notification No. P. 3418—Legis. 46-35, dated 25th November 1935, as amended from time to time, the draft in the said behalf having been already issued with Notification No. T. 1361—R. T. 24-40-2, dated 12th November 1940 and published at page 361, Part IV of the *Mysore Gazette*, dated 14th November 1940:—

AMENDMENT.

Under *ex-officio* members, *for* "Secretary to Government, Electrical Department, and Adviser to Government in Railway matters," *substitute*, "one of the Members of Council of the Government of His Highness the Maharaja."

No. T. 1575—*R. T.* 24-40-4, *dated Bangalore, the 2nd December* 1940.

Under Section 4 of the Mysore Road Traffic and Taxes Act VI of 1935 and in pursuance of Notification No. T. 1574—R. T. 24-40-3, dated 2nd December 1940, and in supersession of Notification No. T. 1293—R. T. 19-40-2, dated 5th November 1940, appointing the Inspector-General of Police as Chairman of the Traffic Board, the Government of His Highness the Maharaja

are pleased to appoint the First Member of Council to the Government of His Highness the Maharaja as *Ex-officio* Member of the Traffic Board and its Chairman.

No. T. 1583—*R. T.* 32-40-3, *dated Bangalore, the 2nd December* 1940.

In exercise of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that a check-gate be opened for a period of one year in the first instance on the Gulur Road within half a mile from Bagepalli town, Kolar District and that this check-gate and the Ghantamvaripalli toll-gate be treated as one toll-gate, the payment of toll at one gate exempting vehicles etc., from payment of the same at the other.

No. Rl. 1355—*R. A.* 26-40-2, *dated Bangalore, the 3rd December* 1940.

In supersession of Notification No. Rl. 973—R. A. 26-40-1, dated 14th November 1940, the Government of His Highness the Maharaja are pleased to direct, under the provisions of Rule 107 of the Representative Assembly Rules, 1940, that the poll shall commence at 8 A.M. and close at 6 P.M. on the dates specified in Notification No. Rl. 671—R. A. 17-40-1, dated 19th October 1940, with an interval of one hour from 12 NOON to 1 P.M.

No. Rl. 1356—*L. C.* 9-40-2, *dated Bangalore, the 3rd December* 1940.

In supersession of Notification No. Rl. 959—L. C. 9-40-1, dated 14th November 1940, the Government of His Highness the Maharaja are pleased to direct, under the provisions of Rule 87 of the Legislative Council Rules, 1940, that the poll shall commence at 8 A.M. and

close at 6 P.M. on the dates specified in Notification No. Rl. 654—L. C. 4-40-1, dated 19th October 1940, with an interval of one hour from 12 NOON to 1 P.M.

No. Rl. 1357—*L.C.*—12-40-1, *dated Bangalore, the 3rd December* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule shall be substituted for Rule 91 of the Legislative Council Rules, 1940:—

"91. The Presiding Officer shall close the polling station at the hour appointed for closing the poll, so as to prevent the admission thereto of any elector after that hour and no ballot paper shall be issued after that hour:

Provided that, if any elector to whom a ballot paper has been delivered is in the polling station at the hour aforesaid, such voter shall be allowed to record his vote."

No. Rl. 1358—*R. A.* 38-40-1, *dated Bangalore, the 3rd December* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule shall be substituted for Rule 111 of the Representative Assembly Rules, 1940:—

"111. The Presiding Officer shall close the polling station at the hour appointed for closing the poll, so as to prevent the admission thereto of any elector after that hour and no ballot paper shall be issued after that hour:

Provided that, if any elector to whom a ballot paper has been delivered is in the polling station at the hour aforesaid, such voter shall be allowed to record his vote."

No. T. 1599—*R. T.* 12-40-5, *dated Bangalore, the 3rd December* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 16 of the Mysore Motor Vehicles Rules, 1924, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, the draft in the said behalf having already been issued with Notification No. T. 1280—R. T. 12-40-4, dated 5th November 1940 and published at page 356, Part IV of the *Mysore Gazette*, dated 7th November 1940 :—

Amendment.

Add the following as Proviso after Rule 16 (iii) (ii) (b) :—

"Provided that in the case of renewal of driving licenses issued by competent authorities in Mysore State to persons who are at present serving with Army units abroad and thus prevented from applying for renewal before the date of expiry, the lesser fee of Rs. 3 per renewal shall alone be levied if such applicants for renewal produce a certificate from the Officer-Commanding, Madras District, to this effect and apply for renewals not later than thirty days after their return to Mysore State."

No. T. 1601—*R. T.* 12-40-7, *dated Bangalore, the 3rd December* 1940.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 1st January 1941 will be considered by Government, before issuing the amendment finally.

DRAFT AMENDMENT.

Add the following as Rule 81-A to the aforesaid rules regarding Public Service Motor Vehicles :—

"81-A. In the case of a motor bus with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side."

No. P. 2869—*Legis.* 2-40-42, *dated Bangalore, the* 3*rd December* 1940.

The following Notification of the Government of India, Defence Co-ordination Department, is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

Defence Co-ordination Department.

NOTIFICATION.

New Delhi, the 16*th November* 1940.

No. 375—O. R./40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (4) of rule 22 of the said Rules—

(1) in clause (*i*), after the words "examine or search," the words "any vessel, vehicle or other means of conveyance which the traveller has been employing, and" shall be inserted, and

(2) after clause (*iii*), the following clause shall be inserted, namely :—

" (iv) if he has reasonable ground for suspecting that the traveller or any other person has contravened or is contravening the provisions of this rule, arrest that person."

A. deC. WILLIAMS,

Secretary to the Government of India.

" *No. P.* 2870—*Legis.* 2-40-43, *dated Bangalore, the 3rd December* 1940.

In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely :—

ORDER.

1. This Order may be called the Control of Non-postal Communications Order, 1940.

2. In this Order, the expression " prohibited article " means—

(i) any newspaper, book, or other printed manuscript or typescript publication, or cuttings or portions from any of the above ;

(ii) any map, plan, sketch, drawing, print, photograph or other descriptive or pictorial representation, or literature for the blind ;

(iii) any postage or revenue stamps ;

(iv) any official seal as defined in clause (*c*) of sub-rule (1) of rule 47 of the Defence of India Rules, as applied to Mysore ;

(v) any letters or memoranda ;

(vi) any other article whatsoever recording information by words, signs or otherwise.

3. No person shall send otherwise than by post, or have in his possession for the purpose of sending otherwise than by post, to any destination outside Mysore, and no person shall convey or have in his possession for the

purpose of conveying out of or into Mysore, any prohibited article :

Provided that the provisions of this paragraph shall not apply to—

(*a*) any prohibited article as to which the appropriate officer is satisfied that it is being sent or conveyed from Mysore to any of the following places or from any of the following places into Mysore :—

British India, any Indian State, any tribal area, any part of His Majesty the King Emperor of India's Dominions, any British Protectorate or Mandated Territory, or any other territory which is under His Majesty the King Emperor of India's protection or suzerainty ;

(*b*) any prohibited article in respect of which the person sending it or conveying it, or having it in his possession for the purpose of sending or conveying it, has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor, India, and has complied with any conditions subject to which the permit has been granted ;

(*c*) any prohibited article in transit which has been submitted voluntarily at the places of arrival and departure for examination by a censor, and has been approved for further transit in compliance with any conditions subject to which such approval has been given ;

(*d*) any prohibited article being conveyed into or out of Mysore which has been submitted voluntarily at the place of arrival or departure, as the case may be, for examination by the appropriate officer and has been approved by him for further conveyance in compliance with any conditions subject to which such approval has been given ;

(*e*) any prohibited article which is a document required by law to be carried on an aircraft, or is a document relating to the cargo, charter or other business of the aircraft on which it has to be conveyed, or of the owner of such aircraft, and is necessary for the proper conduct of such business, provided that such document—

(i) is submitted to the appropriate officer for examination and approval at the port or place of departure from Mysore, if he so requires ;

(ii) is kept in the personal custody of the pilot of the aircraft;

(*f*) any prohibited article for the time being exempted from the requirements of this Order by general or special order of the Government or the Central Government, provided that such prohibited article is submitted to the appropriate officer for examination and approval at the port or place of departure from Mysore, if he so requires;

(*g*) any prohibited article which is being conveyed or sent by a person or firm for sale on an aircraft, provided the person or firm has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor and has complied with any conditions subject to which the permit has been granted.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

No. 3052—*L. C., dated Bangalore, the 3rd December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Advocate-General (Designation) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

The Advocate-General (Designation) Bill.

WHEREAS it is expedient to change the designation of the Government Advocate in Mysore;

It is hereby enacted as follows:—

1. (*a*) This Act may be called the Advocate-General (Designation) Act, 19 . Short title and commencement.

(*b*) It shall come into force at once.

Change of designation of Government Advocate.

2. For the words "Government Advocate" wherever they occur in any Regulation, Act or other law for the time being in force, or any Rules, Order or Notification made under any such Regulation, Act or other law, the words "Advocate-General" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

In 1930, the designation of the Mysore Chief Court was changed by Act XII of 1930, to the Mysore High Court. The designation of the Chief Judge was similarly changed to the Chief Justice by that Act.

In keeping with the new designation of the Highest Court of the State and for describing more accurately the nature of his duties, it is considered desirable to change the designation of "Government Advocate" to "Advocate General."

This Bill is intended to effectuate this change of designation.

No. 3056—*L.C., dated Bangalore, the* 3*rd December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Land Acquisition (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

The Mysore Land Acquisition (Amendment) Bill.

Whereas it is expedient further to amend the Mysore Land Acquisition Act, 1894;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Land Acquisition (Amendment) Act, 194 .

Amendment of section 3, Article VII of 1894.

2. For clause (*d*) of Section 3 of the Mysore Land Acquisition Act, 1894, the following clause shall be substituted, namely :—

"(*d*) the expression "Court" means a principal Civil Court of original jurisdiction and includes—

(*i*) any other court which the Government has specially invested (as it is hereby empowered to do) with the functions of such Court under this Act, and

(*ii*) a special judicial officer whom the Government has appointed (as it is hereby empowered to do) to perform the functions of such Court under this Act within any specified local limits."

STATEMENT OF OBJECTS AND REASONS.

According to sections 3 (*d*) of the Act, the expression "Court" means a principal Civil Court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under Section 3 (*d*) Additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of the Additional Subordinate Judge who had been appointed under that section, pleas were raised that the Judge was a Special Officer and not a Court, and that therefore an appeal did not lie from his award to the High Court under Section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in Section 3 (*d*) of the Act, so as to indicate clearly that appeals under Section 54 will lie to the High Court irrespective of whether the award is one made by a "Court" of original civil jurisdiction or a court specially empowered by Government or a Special Judicial Officer appointed by Government under Section 3 (*d*) of the Act.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. G. 5080—P. H. 136-39-8, dated Bangalore, the 10th December 1940.

Under section 20 E. of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, the Government of His Highness the Maharaja of Mysore propose to issue the following amendment to rule (21) (b) (1) of the rules issued in Government Notification No. G. 798-P. H. 136-39-3, dated 29th July 1940, for Coffee. Any objections or suggestions to the proposed amendment, if made to the undersigned within a month from the date of this notification will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

Amendment.—Section (21) (b) (i)

"A proportion of complete extractive matter in boiling water which is not more than 30 per cent or not less than 25 per cent."

No. G. 5082—*P. H.* 136-39-9, *dated Bangalore, the* 10*th December* 1940.

ERRATUM.

For the figure "41·0—4·0" appearing under the heading "Refractive index at 40°C against "mixed ghee" in rule 19 of the rules issued in Government Notification No. G. 798—P. H. 136-39-3, dated 29th July 1940, *read* "41·0—44·0."

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

No. 3059—*L. C., Bangalore, dated* 5*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Contempt of Courts (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

The Contempt of Courts (Amendment) Bill.

WHEREAS it is expedient to amend the Contempt of Courts Act, 1930:—

It is hereby enacted as follows:—

1. (1) This Act may be called the Contempt of Courts (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Contempt of Courts Act, 1930, the words "in respect of any pending judicial proceedings, civil or criminal" occurring at the end and the Explanation to that section shall be omitted. Amendment of section 2, Act XI of 1930.

STATEMENT OF OBJECTS AND REASONS.

The Contempt of Courts Act, 1930, was modelled largely on the corresponding enactment of British India. Departing from that enactment, however, it provided that acts of contempt committed in respect of pending judicial proceedings only shall be punishable.

It is considered desirable to remove this limitation and bring the Act into line with the provision of law in British India on the subject. The effect of the proposed amendment will be that any act intended to bring into contempt or lower the authority of a Judge or a Court may be dealt with as contempt of court.

No. 3068—*L. C., Bangalore, dated 6th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore City Municipalities (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

The Mysore City Municipalities (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of new section 102-A in Act VII of 1933.

2. After section 102 of the Mysore City Municipalities Act, 1933, the following section shall be added as section 102-A thereof, namely :—

Penalty for non-payment of tax.

"102-A. In the event of non-payment of any tax imposed under section 64 within fifteen days from the date of service of notice of demand under sub-section (3) of section 95, and without prejudice to the other provisions of this Chapter, the person failing to pay such tax shall, on conviction before a magistrate, be liable to a fine not exceeding twice the amount of tax found to be due."

STATEMENT OF OBJECTS AND REASONS.

The present procedure for the recovery of assessed taxes in the City Municipalities is laid down in Chapter VIII of the City Municipalities Act, 1933. It has been brought to the notice of Government that the existing provisions of law are inadequate to enable the City Municipal Councils to collect the taxes speedily and to the fullest extent. Both the Municipal Commissioner, Bangalore City and the President, Mysore City Municipal Council, have stated that it is necessary to insert a provision in the Act empowering the Municipal Councils to collect the assessed taxes from defaulters by recourse to prosecution.

There is a provision of this kind in the Municipal Laws of the Civil and Military Station, Bangalore.

It is accordingly proposed to amend the Mysore City Municipalities Act, 1933.

No. L. C.—3070, *dated Bangalore, the 6th December* 1940.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying

Mysore Election Offences and Inquiries Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Mysore Legislative Council.

THE MYSORE ELECTIONS OFFENCES AND INQUIRIES BILL.

Statement of Objects and Reasons.

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practices in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (Amendment) Bill, 1919, recommended the enactment of such a measure. They said: "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries." The Indian Elections Offences and Inquiries Act, 1920, was accordingly passed into law in September 1920.

The present Bill is modelled on the British Indian measure and it is made up of two parts. The first part

makes certain amendments to the Indian Penal Code, as in force in Mysore, and the Criminal Procedure Code. This part applies not only to elections to the legislative bodies constituted under the Government of Mysore Act, 1940, but to elections to all public bodies generally. It penalises the five new offences created by this Bill, namely, bribery, undue influence, personation, the publication of false statement and the failure to keep election accounts.

Part II applies only to elections to legislative bodies constituted under the Government of Mysore Act, provision being made for the conduct of inquiries in regard to disputed elections to them. The Commissioner appointed to hold such inquiries will have the powers of a Court under the Code of Civil Procedure, 1911, when trying a suit. The provisions of the Indian Evidence Act, 1872, as in force in Mysore will apply to such inquiries. In addition to certain other incidental provisions, this Part also enacts that a person convicted under Chapter IX-A of the Indian Penal Code, as in force in Mysore, will be disqualified from certain appointments and offices. Government are, however, given the power to remove such disqualifications in any particular case. Provision is also made for the maintenance of secrecy of voting.

The Mysore Elections Offences and Inquiries Bill.

[*A Bill to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940.*]

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940;

It is hereby enacted as follows :—

Preliminary.

Short title and extent.

1. (1) This Act may be called the Mysore Election Offences and Inquiries Act, 194 .

(2) It extends to the whole of Mysore.

PART I.

OF OFFENCES RELATING TO ELECTIONS.

Amendments to the Indian Penal Code as applied to Mysore.

2. (1) In Section 21 of the Indian Penal Code, as in force in Mysore, after the twelfth entry, the following shall be inserted, namely,—

"*Thirteenth.*—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;"

and after *Explanation* 2, the following shall be added, namely,—

"*Explanation* 3.—The word 'election' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which he is by, or under, any law prescribed as by election."

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely,—

CHAPTER IX-A.

"OF OFFENCES RELATING TO ELECTIONS.

171-A. For the purposes of this Chapter—

"Candidate" and "electoral right" defined.

(*a*) "Candidate" means a person who has stood or claims to have stood as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat:

Provided that he has subsequently stood as a candidate at such election.

(*b*) "Electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171-B. (1) Whoever—

Bribery.

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections.

171-C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Personation at election.

171-D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election

for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment for bribery.

171-E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both:

Provided that bribery by treating shall be punished by fine only.

Explanation.—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment or provision.

Punishment for undue influence or personation at an election.

171-F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

False statement in connection with an election.

171-G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Illegal payments in connection with an election.

171-H. Whoever without the general or special authority in writing of a candidate, incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts.

171-I. Whoever, being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts, shall be punished with fine which may extend to five hundred rupees."

Amendment of the Code of Criminal Procedure.

3. (1) In Section 196 of the Code of Criminal Procedure, 1904, after the words, "Chapter VI" the words "or IX-A" shall be inserted.

(2) In Schedule II to the same Code after the entries relating to Chapter IX of the Indian Penal Code, as in force in Mysore, the following shall be added, namely :—

CHAPTER IX-A.—OFFENCES RELATING TO ELECTIONS.

171-E	Bribery ...	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	District Magistrate or Magistrate of the First Class.
171-F	Undue influence and personation at an election.					Imprisonment of either description for one year, or fine or both.	
171-G	False statement in connection with an election.					Fine ...	
171-H	Illegal payments in connection with elections.					Fine of 500 rupees ...	
171-I	Failure to keep election accounts.					Do ...	

PART II.

ELECTION INQUIRIES AND OTHER MATTERS.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context,—

(*a*) "costs" means all costs, charges and expenses of, or incidental to, an enquiry;

(*b*) "election" means an election to either the Representative Assembly or the Legislative Council constituted under the Government of Mysore Act, 1940;

(*c*) "inquiry" means an inquiry in respect of an election by a commissioner appointed for that purpose by the Government;

(*d*) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate of the High Court.

Powers of Commissioner.

5. A Commissioner appointed to hold an inquiry shall have the powers which are vested in a Court under the Civil Procedure Code, 1911, when trying a suit, in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections, 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioner's jurisdiction shall be the whole of Mysore.

Application of Act I of 1872 to enquiries.

6. The provisions of the Indian Evidence Act, 1872, as in force in Mysore, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer. Certificate of indemnity.

8. No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Provided that—

(1) no person who has voted at an election shall be required to state for whom he has voted; and

(2) a witness who, in the opinion of the Commissioner has answered truly all questions which he has been required by the Commissioner to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, as in force in Mysore, arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceedings.

(3) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application or act before the Commissioner may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioner so directs, be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioner to such person, and shall, unless the Commissioner otherwise directs, be deemed to be part of the costs.

Costs and pleader's fees, etc.

11. (1) Costs shall be in the discretion of the Commissioner, and the Commissioner shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in his report all necessary recommendations for the purposes aforesaid. The Commissioner may allow interest on costs at a rate not exceeding six per cent per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioner may allow.

Execution of orders as to costs.

12. Any order made by the Government on the report of the Commissioner regarding the costs of the inquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Disqualification of persons found guilty of election offences.

13. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, as in force in Mysore, or has been disqualified from exercising any electoral right, for a period of not less than four years on account of malpractices in connection with an election shall be disqualified for four years from the date of such conviction or disqualification from—

(*a*) being appointed to, or acting in, any judicial office ;

(*b*) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached ;

(*c*) being elected or sitting or voting as a member of any local authority ; or

(*d*) being appointed or acting as a trustee of a public trust :

Provided that the Government may exempt any such person from any such disqualification.

Maintenance of secrecy of voting.

14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine or with both.

Special provision as to elections under the Government of Mysore Act, 1940.

15. This part of the Act shall have effect subject to any relevant provision of any Rules, or orders made under the Government of Mysore Act, 1940.

No. 3082 *L. C., Bangalore, dated 9th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Rubber Control Bill is published for general information, with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE RUBBER CONTROL BILL.

(*A bill to provide for the control of the export from and import into Mysore of rubber and for the control of extension of the cultivation of rubber in Mysore.*)

WHEREAS it is expedient to provide for the control of the export from and import into Mysore of rubber and for the control of the extension of the cultivation of rubber in Mysore;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Rubber Control Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

(4) It shall remain in force only up to the 31st December 1943, but the Government may, by notification in the official Gazette, direct that it shall remain in force for such further period as may be specified in any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Committee" means the Indian Rubber Licensing Committee constituted by the Governor-General in Council under the Indian Rubber Control Act, 1934;

(*b*) "to export" means to take out of Mysore by land, sea or air to any place outside India or to any place specified by the Government in this behalf by notification in the official Gazette;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; "new planting" means planting in an area which has not since the first day of January 1939, carried any rubber plants or substituting in an area carrying rubber plants, and other growths, rubber growths for those other growths; "to replant" means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the first day of January 1939, more than thirty rubber

plants; and "to supply" means so to plant on any one acre of such area thirty rubber plants or less;

(*f*) "rubber" means—

(i) crude rubber, that is to say rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, for the purposes of regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;

(*g*) "rubber plant" includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following, namely:—

(i) *Hevea Braziliensis* (Para rubber),

(ii) *Manihot Glaziovil* (Ceara rubber),

(iii) *Castilloa elastica*,

(iv) *Ficus elastica* (Rambong),

(*v*) Any other plant, tree, shrub or vine which the Government may, by notification in the official Gazette, declare to be a rubber plant for the purpose of this Act.

CHAPTER I.

CONTROL OVER THE EXPORT OF RUBBER.

Limitation of application of Act.

3. Nothing in this Act shall apply to the export of rubber by parcel post or to the re-export of rubber contained in imported manufactured articles.

Control of export of rubber.

4. (1) No rubber grown, produced or contained in an article manufactured in India shall be exported unless covered by a licence and a certificate of origin issued by the Government.

(2) No rubber grown or produced in any country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF RUBBER CULTIVATION.

Control of cultivation of rubber.

5. So long as this Act remains in force, no person shall, save in pursuance of a written permission granted by the Government under this Act,—

(*a*) carry out new planting of rubber plants on any land except for the purpose of supply, or

(*b*) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such replanting have been imposed under sub-section (2) of Section 8.

Permission for new planting.

6. (1) The total area in Mysore in respect of which permission for new planting otherwise than for the purpose of supply may be granted shall not in any period exceed such area as the Government may, by notification in the official Gazette, designate as being fixed in this behalf for that period by the International Rubber Regulation Committee:

Provided that such area may be modified to provide for such transfers of permissions for new plantings between Mysore and British India or an Indian State as may be consented to by the Committee under this Act and under any law or order having the force of law of British India or of the Indian State concerned.

(2) Any such permission granted for new planting shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Replanting shall be subject to such limitations, if any, as the Government may, by notification in the official Gazette, designate as imposed in this behalf by the International Rubber Regulation Committee.

(4) Where under sub-section (3) any limitations have been imposed on replanting, the provisions of sections 7 and 8 shall apply to permissions to replant as they apply to permissions for new planting.

Transfer of permission for new planting.

7. Where provision in this behalf is made by or under any law or order having the force of law of British India or of an Indian State, a permission for new planting granted under this Act or under such law or order may be transferred, wholly or in part, to or from British India or that Indian State, as the case may be.

Application for permission to plant or replant.

8. (1) Application for permission for new planting of land with rubber plants shall be made to the Government in such form as the Government may specify and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of sections 5 and 6, the Government may grant or refuse the permission applied for, or may call for further information from the applicant.

Power of the Government to call for return and to inspect estates.

9. (1) The Government may serve by post a notice upon the owner of any rubber estate, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such documents, plans or returns relating to the cultivation of rubber plants on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf, may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any record from the estate in his control or custody relating to the cultivation of rubber plants on the estate.

(3) When any return required under sub-section (1) in respect of any rubber estate is not furnished to the Government within the period specified in the notice, the Government may refuse to grant any permission under section 6 for new planting of rubber plants on that estate or may cancel any such permission already given.

CHAPTER III.

SUPPLEMENTAL.

Prohibition of export of rubber plants except under permit, etc., of the Government.

10. No person shall export rubber plants unless covered by a permit issued by and subject to such conditions as may be prescribed by the Government.

Delegation of powers, etc.

11. (1) The Government may delegate the powers conferred on it by sections 4, 5, 6, 7, 8, 9 and 10 to the Committee.

(2) When the powers are so delegated to the Committee—

(*a*) any applicant aggrieved by an order of the Committee under section 6 or 8 may appeal to the

Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order ;

(*b*) the records of the Committee relating to the proceedings under Chapters II and III shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Government and ;

(*c*) no order under sub-section (2) of section 8 shall be called in question by any court.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for illicit import or export.

12. A breach of the provisions of section 4, or section 10 shall be punishable with fine which may extend to rupees one thousand and shall also render the rubber exported liable to confiscation.

Penalty for making false return.

13. Any owner of a rubber estate who has furnished any return under sub-section (1) of section 9, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection, etc.

14. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting any rubber estate under sub-section (2) of section 9, and whoever, having control over or custody of any records of a rubber estate relating to the cultivation of rubber plants on the estate, refuses or fails to produce such records when required by the Government or by a person authorised by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

15. Whoever carried out new planting of rubber plants or causes such new planting to be carried out or replants or causes to be replanted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

16. Where any person has been convicted of any offence under section 15, the convicting court shall direct that the rubber plants in respect of which the offence was

committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offences under sections 12 13, 14 and 15

17. No Magistrate other than the magistrate of the first class shall take cognisance of an offence under sections 12, 13, 14, or 15 and such magistrate may take cognisance of such an offence only upon complaint made by an officer authorised by the Government in this behalf and with the previous sanction of the Government.

CHAPTER V.

RULES.

Power to make rules.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Such rules may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

STATEMENT OF OBJECTS AND REASONS.

In 1934, representatives of the rubber interests in the main rubber producing countries formulated an international scheme for the restriction of the export, production and stocks of rubber to meet the difficulties consequent on the catastrophic fall in prices. By virtue of their accession to this Agreement, the Government of India were committed to give legislative sanction to the scheme and accordingly enacted the Indian Rubber Control Act, 1934.

This Act and the International Agreement of 1934 were due to expire on the 31st December 1938. As the scheme was, however, found beneficial to the country, a revised Agreement was entered into for a further period of five years from 1st January 1939. To give effect to certain legislative changes involved in the new Agreement and to extend the Act during the minimum period of the Agreement, an amending Act has been passed in British India.

The holders of land in Mysore on which rubber can be grown approached Government with a request that the further extension of rubber cultivation in Mysore might be prohibited in conformity with the international scheme mentioned above. A notification was accordingly issued in June 1939 prohibiting the new planting of rubber in Mysore.

In order, however, to get the benefit of the provisions of the revised Agreement relating to the transfer to Mysore from British India or another Indian State or *vice versa* of licenses to plant rubber, legislation is necessary.

The Bill follows in the main the Indian Rubber Control Act.

No. 3091—*L. C., dated Bangalore, the 10th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)

WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision

for its progressive expansion, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or

authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved, from time to time, by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

(*iv*) all fines and penalties levied under this Act in respect of cases arising within such District, and

(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

(2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Muncipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provision of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the

same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

CHAPTER IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination of election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

CENTRAL EDUCATION BOARD.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child :

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary School in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school

hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9 ;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board ;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised ;

(iv) the term of the Central Education Board;

(v) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(vi) the authority and the manner of issuing of certificates of exemption; and

(vii) the authority and the manner of issuing a warning to a parent under section 29.

THE MYSORE ELEMENTARY EDUCATION BILL.

Statement of Objects and Reasons.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress, a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government tores ume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies—District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and

Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. G. 5080—*P. H.* 136-39-8, *dated Bangalore, the* 10*th December* 1940.

Under section 20 E. of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, the Government of His Highness the Maharaja of Mysore propose to issue the following amendment to rule (21) (b) (1) of the rules issued in Government Notification No. G. 798-P. H. 136-39-3, dated 29th July 1940, for Coffee. Any objections or suggestions to the proposed amendment, if made to the undersigned within a month from the date of this notification will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

The Contempt of Courts (Amendment) Bill.

WHEREAS it is expedient to amend the Contempt of Courts Act, 1930:—

It is hereby enacted as follows:—

1. (1) This Act may be called the Contempt of Courts (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Contempt of Courts Act, 1930, the words "in respect of any pending judicial proceedings, civil or criminal" occurring at the end and the Explanation to that section shall be omitted. Amendment of section 2, Act XI of 1930.

STATEMENT OF OBJECTS AND REASONS.

The Contempt of Courts Act, 1930, was modelled largely on the corresponding enactment of British India. Departing from that enactment, however, it provided that acts of contempt committed in respect of pending judicial proceedings only shall be punishable.

It is considered desirable to remove this limitation and bring the Act into line with the provision of law in British India on the subject. The effect of the proposed amendment will be that any act intended to bring into contempt or lower the authority of a Judge or a Court may be dealt with as contempt of court.

No. 3068—*L. C., Bangalore, dated 6th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore City Municipalities (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

The Mysore City Municipalities (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of new section 102-A in Act VII of 1933.

2. After section 102 of the Mysore City Municipalities Act, 1933, the following section shall be added as section 102-A thereof, namely :—

Penalty for non-payment of tax.

"102-A. In the event of non-payment of any tax imposed under section 64 within fifteen days from the date of service of notice of demand under sub-section (3) of section 95, and without prejudice to the other provisions of this Chapter, the person failing to pay such tax shall, on conviction before a magistrate, be liable to a fine not exceeding twice the amount of tax found to be due."

STATEMENT OF OBJECTS AND REASONS.

The present procedure for the recovery of assessed taxes in the City Municipalities is laid down in Chapter VIII of the City Municipalities Act, 1933. It has been brought to the notice of Government that the existing provisions of law are inadequate to enable the City Municipal Councils to collect the taxes speedily and to the fullest extent. Both the Municipal Commissioner, Bangalore City and the President, Mysore City Municipal Council, have stated that it is necessary to insert a provision in the Act empowering the Municipal Councils to collect the assessed taxes from defaulters by recourse to prosecution.

There is a provision of this kind in the Municipal Laws of the Civil and Military Station, Bangalore.

It is accordingly proposed to amend the Mysore City Municipalities Act, 1933.

No. L. C.—3070, *dated Bangalore, the 6th December* 1940.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying

Mysore Election Offences and Inquiries Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Mysore Legislative Council.

THE MYSORE ELECTIONS OFFENCES AND INQUIRIES BILL.

Statement of Objects and Reasons.

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practices in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (Amendment) Bill, 1919, recommended the enactment of such a measure. They said: "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries." The Indian Elections Offences and Inquiries Act, 1920, was accordingly passed into law in September 1920.

The present Bill is modelled on the British Indian measure and it is made up of two parts. The first part

makes certain amendments to the Indian Penal Code, as in force in Mysore, and the Criminal Procedure Code. This part applies not only to elections to the legislative bodies constituted under the Government of Mysore Act, 1940, but to elections to all public bodies generally. It penalises the five new offences created by this Bill, namely, bribery, undue influence, personation, the publication of false statement and the failure to keep election accounts.

Part II applies only to elections to legislative bodies constituted under the Government of Mysore Act, provision being made for the conduct of inquiries in regard to disputed elections to them. The Commissioner appointed to hold such inquiries will have the powers of a Court under the Code of Civil Procedure, 1911, when trying a suit. The provisions of the Indian Evidence Act, 1872, as in force in Mysore will apply to such inquiries. In addition to certain other incidental provisions, this Part also enacts that a person convicted under Chapter IX-A of the Indian Penal Code, as in force in Mysore, will be disqualified from certain appointments and offices. Government are, however, given the power to remove such disqualifications in any particular case. Provision is also made for the maintenance of secrecy of voting.

The Mysore Elections Offences and Inquiries Bill.

[*A Bill to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940.*]

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940;

It is hereby enacted as follows :—

Preliminary.

Short title and extent.

1. (1) This Act may be called the Mysore Election Offences and Inquiries Act, 194 .

(2) It extends to the whole of Mysore.

PART I.

OF OFFENCES RELATING TO ELECTIONS.

Amendments to the Indian Penal Code as applied to Mysore.

2. (1) In Section 21 of the Indian Penal Code, as in force in Mysore, after the twelfth entry, the following shall be inserted, namely,—

"*Thirteenth.*—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;"

and after *Explanation* 2, the following shall be added, namely,—

"*Explanation* 3.—The word 'election' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which he is by, or under, any law prescribed as by election."

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely,—

CHAPTER IX-A.

"OF OFFENCES RELATING TO ELECTIONS.

171-A. For the purposes of this Chapter—

"Candidate" and "electoral right" defined.

(*a*) "Candidate" means a person who has stood or claims to have stood as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat:

Provided that he has subsequently stood as a candidate at such election.

(*b*) "Electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171-B. (1) Whoever—

Bribery.

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections.

171-C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Personation at election.

171-D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election

for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment for bribery.

171-E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both:

Provided that bribery by treating shall be punished by fine only.

Explanation.—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment or provision.

Punishment for undue influence or personation at an election.

171-F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

False statement in connection with an election.

171-G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Illegal payments in connection with an election.

171-H. Whoever without the general or special authority in writing of a candidate, incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts.

171-I. Whoever, being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts, shall be punished with fine which may extend to five hundred rupees."

Amendment of the Code of Criminal Procedure.

3. (1) In Section 196 of the Code of Criminal Procedure, 1904, after the words, "Chapter VI" the words "or IX-A" shall be inserted.

(2) In Schedule II to the same Code after the entries relating to Chapter IX of the Indian Penal Code, as in force in Mysore, the following shall be added, namely :—

CHAPTER IX-A.—OFFENCES RELATING TO ELECTIONS.

171-E	Bribery ...	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	District Magistrate or Magistrate of the First Class.
171-F	Undue influence and personation at an election.					Imprisonment of either description for one year, or fine or both.	
171-G	False statement in connection with an election.					Fine ...	
171-H	Illegal payments in connection with elections.					Fine of 500 rupees ...	
171-I	Failure to keep election accounts.					Do ...	

PART II.

ELECTION INQUIRIES AND OTHER MATTERS.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context,—

(*a*) "costs" means all costs, charges and expenses of, or incidental to, an enquiry;

(*b*) "election" means an election to either the Representative Assembly or the Legislative Council constituted under the Government of Mysore Act, 1940;

(*c*) "inquiry" means an inquiry in respect of an election by a commissioner appointed for that purpose by the Government;

(*d*) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate of the High Court.

Powers of Commissioner.

5. A Commissioner appointed to hold an inquiry shall have the powers which are vested in a Court under the Civil Procedure Code, 1911, when trying a suit, in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections, 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioner's jurisdiction shall be the whole of Mysore.

Application of Act I of 1872 to enquiries.

6. The provisions of the Indian Evidence Act, 1872, as in force in Mysore, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer. Certificate of indemnity.

8. No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Provided that—

(1) no person who has voted at an election shall be required to state for whom he has voted; and

(2) a witness who, in the opinion of the Commissioner has answered truly all questions which he has been required by the Commissioner to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, as in force in Mysore, arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceedings.

(3) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application or act before the Commissioner may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioner so directs, be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioner to such person, and shall, unless the Commissioner otherwise directs, be deemed to be part of the costs.

Costs and pleader's fees, etc.

11. (1) Costs shall be in the discretion of the Commissioner, and the Commissioner shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in his report all necessary recommendations for the purposes aforesaid. The Commissioner may allow interest on costs at a rate not exceeding six per cent per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioner may allow.

Execution of orders as to costs.

12. Any order made by the Government on the report of the Commissioner regarding the costs of the inquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Disqualification of persons found guilty of election offences.

13. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, as in force in Mysore, or has been disqualified from exercising any electoral right, for a period of not less than four years on account of malpractices in connection with an election shall be disqualified for four years from the date of such conviction or disqualification from—

(*a*) being appointed to, or acting in, any judicial office;

(*b*) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached;

(*c*) being elected or sitting or voting as a member of any local authority; or

(*d*) being appointed or acting as a trustee of a public trust:

Provided that the Government may exempt any such person from any such disqualification.

Maintenance of secrecy of voting.

14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine or with both.

Special provision as to elections under the Government of Mysore Act, 1940.

15. This part of the Act shall have effect subject to any relevant provision of any Rules, or orders made under the Government of Mysore Act, 1940.

No. 3082 *L. C., Bangalore, dated 9th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Rubber Control Bill is published for general information, with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE RUBBER CONTROL BILL.

(*A bill to provide for the control of the export from and import into Mysore of rubber and for the control of extension of the cultivation of rubber in Mysore.*)

WHEREAS it is expedient to provide for the control of the export from and import into Mysore of rubber and for the control of the extension of the cultivation of rubber in Mysore;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Rubber Control Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

(4) It shall remain in force only up to the 31st December 1943, but the Government may, by notification in the official Gazette, direct that it shall remain in force for such further period as may be specified in any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Committee" means the Indian Rubber Licensing Committee constituted by the Governor-General in Council under the Indian Rubber Control Act, 1934;

(*b*) "to export" means to take out of Mysore by land, sea or air to any place outside India or to any place specified by the Government in this behalf by notification in the official Gazette;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; "new planting" means planting in an area which has not since the first day of January 1939, carried any rubber plants or substituting in an area carrying rubber plants, and other growths, rubber growths for those other growths; "to replant" means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the first day of January 1939, more than thirty rubber

plants; and "to supply" means so to plant on any one acre of such area thirty rubber plants or less;

(*f*) "rubber" means—

(i) crude rubber, that is to say rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, for the purposes of regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;

(*g*) "rubber plant" includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following, namely:—

(i) *Hevea Braziliensis* (Para rubber),

(ii) *Manihot Glaziovil* (Ceara rubber),

(iii) *Castilloa elastica*,

(iv) *Ficus elastica* (Rambong),

(*v*) Any other plant, tree, shrub or vine which the Government may, by notification in the official Gazette, declare to be a rubber plant for the purpose of this Act.

CHAPTER I.

CONTROL OVER THE EXPORT OF RUBBER.

Limitation of application of Act.

3. Nothing in this Act shall apply to the export of rubber by parcel post or to the re-export of rubber contained in imported manufactured articles.

Control of export of rubber.

4. (1) No rubber grown, produced or contained in an article manufactured in India shall be exported unless covered by a licence and a certificate of origin issued by the Government.

(2) No rubber grown or produced in any country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF RUBBER CULTIVATION.

Control of cultivation of rubber.

5. So long as this Act remains in force, no person shall, save in pursuance of a written permission granted by the Government under this Act,—

(*a*) carry out new planting of rubber plants on any land except for the purpose of supply, or

(*b*) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such replanting have been imposed under sub-section (2) of Section 8.

Permission for new planting.

6. (1) The total area in Mysore in respect of which permission for new planting otherwise than for the purpose of supply may be granted shall not in any period exceed such area as the Government may, by notification in the official Gazette, designate as being fixed in this behalf for that period by the International Rubber Regulation Committee:

Provided that such area may be modified to provide for such transfers of permissions for new plantings between Mysore and British India or an Indian State as may be consented to by the Committee under this Act and under any law or order having the force of law of British India or of the Indian State concerned.

(2) Any such permission granted for new planting shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Replanting shall be subject to such limitations, if any, as the Government may, by notification in the official Gazette, designate as imposed in this behalf by the International Rubber Regulation Committee.

(4) Where under sub-section (3) any limitations have been imposed on replanting, the provisions of sections 7 and 8 shall apply to permissions to replant as they apply to permissions for new planting.

Transfer of permission for new planting.

7. Where provision in this behalf is made by or under any law or order having the force of law of British India or of an Indian State, a permission for new planting granted under this Act or under such law or order may be transferred, wholly or in part, to or from British India or that Indian State, as the case may be,

Application for permission to plant or replant.

8. (1) Application for permission for new planting of land with rubber plants shall be made to the Government in such form as the Government may specify and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of sections 5 and 6 the Government may grant or refuse the permission applied for, or may call for further information from the applicant.

Power of the Government to call for return and to inspect estates.

9. (1) The Government may serve by post a notice upon the owner of any rubber estate, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such documents, plans or returns relating to the cultivation of rubber plants on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf, may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any record from the estate in his control or custody relating to the cultivation of rubber plants on the estate.

(3) When any return required under sub-section (1) in respect of any rubber estate is not furnished to the Government within the period specified in the notice, the Government may refuse to grant any permission under section 6 for new planting of rubber plants on that estate or may cancel any such permission already given.

CHAPTER III.

SUPPLEMENTAL.

Prohibition of export of rubber plants except under permit, etc., of the Government.

10. No person shall export rubber plants unless covered by a permit issued by and subject to such conditions as may be prescribed by the Government.

Delegation of powers, etc.

11. (1) The Government may delegate the powers conferred on it by sections 4, 5, 6, 7, 8, 9 and 10 to the Committee.

(2) When the powers are so delegated to the Committee—

(*a*) any applicant aggrieved by an order of the Committee under section 6 or 8 may appeal to the

Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order ;

(*b*) the records of the Committee relating to the proceedings under Chapters II and III shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Government and ;

(*c*) no order under sub-section (2) of section 8 shall be called in question by any court.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for illicit import or export.

12. A breach of the provisions of section 4, or section 10 shall be punishable with fine which may extend to rupees one thousand and shall also render the rubber exported liable to confiscation.

Penalty for making false return.

13. Any owner of a rubber estate who has furnished any return under sub-section (1) of section 9, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection, etc.

14. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting any rubber estate under sub-section (2) of section 9, and whoever, having control over or custody of any records of a rubber estate relating to the cultivation of rubber plants on the estate, refuses or fails to produce such records when required by the Government or by a person authorised by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

15. Whoever carried out new planting of rubber plants or causes such new planting to be carried out or replants or causes to be replanted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

16. Where any person has been convicted of any offence under section 15, the convicting court shall direct that the rubber plants in respect of which the offence was

committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offences under sections 12 13, 14 and 15

17. No Magistrate other than the magistrate of the first class shall take cognisance of an offence under sections 12, 13, 14, or 15 and such magistrate may take cognisance of such an offence only upon complaint made by an officer authorised by the Government in this behalf and with the previous sanction of the Government.

CHAPTER V.

RULES.

Power to make rules.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Such rules may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

STATEMENT OF OBJECTS AND REASONS.

In 1934, representatives of the rubber interests in the main rubber producing countries formulated an international scheme for the restriction of the export, production and stocks of rubber to meet the difficulties consequent on the catastrophic fall in prices. By virtue of their accession to this Agreement, the Government of India were committed to give legislative sanction to the scheme and accordingly enacted the Indian Rubber Control Act, 1934.

This Act and the International Agreement of 1934 were due to expire on the 31st December 1938. As the scheme was, however, found beneficial to the country, a revised Agreement was entered into for a further period of five years from 1st January 1939. To give effect to certain legislative changes involved in the new Agreement and to extend the Act during the minimum period of the Agreement, an amending Act has been passed in British India.

The holders of land in Mysore on which rubber can be grown approached Government with a request that the further extension of rubber cultivation in Mysore might be prohibited in conformity with the international scheme mentioned above. A notification was accordingly issued in June 1939 prohibiting the new planting of rubber in Mysore.

In order, however, to get the benefit of the provisions of the revised Agreement relating to the transfer to Mysore from British India or another Indian State or *vice versa* of licenses to plant rubber, legislation is necessary.

The Bill follows in the main the Indian Rubber Control Act.

No. 3091—*L. C., dated Bangalore, the* 10*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)

WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision

for its progressive expansion, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or

authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved, from time to time, by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited:—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

(*iv*) all fines and penalties levied under this Act in respect of cases arising within such District, and

(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

(2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Muncipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provision of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the

same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

CHAPTER IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination of election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

CENTRAL EDUCATION BOARD.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child :

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary School in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school

hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9 ;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board ;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised ;

(iv) the term of the Central Education Board;

(v) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(vi) the authority and the manner of issuing of certificates of exemption; and

(vii) the authority and the manner of issuing a warning to a parent under section 29.

THE MYSORE ELEMENTARY EDUCATION BILL.

Statement of Objects and Reasons.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress, a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government tores ume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies—District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and

Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. D. 2725—*I. & C.* 453-39-12, *dated Bangalore, the* 11*th December* 1940.

Further to Government Notification No. D. 4231—C. 453-39-3, dated 18th March 1940, prescribing the nner in which coffee husk shall be rendered unfit for nan consumption, the Government of His Highness Maharaja of Mysore are pleased to direct that the lowing methods may also be employed for the rpose:—

1. Mixing six parts by weight of coffee husk with one part of Neem poonac (ಬೇವಿನ ಕಂಡಿ).

2. Spraying the coffee husk, thoroughly with a solution of Copper-sulphate.

No. A. F. 4250—*J. S.* 4-40-5, *dated Bangalore, the* 13*th December* 1940.

In exercise of the powers vested in them under Section 144 (2) of the Mysore Companies Act, XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to frame the following amendment to Rule 3 of the rules relating to the grant of Auditors' Certificates.

"*Add* the following as Rule 3 (*c*) to the Rules and renumber the existing Rule 3 (*c*) as 3 (*d*) :—

The Applicant shall also produce with his application evidence to the satisfaction of the Registrar of Joint Stock Companies in Mysore that he is competent to audit the accounts in the languages stated in his application.

Explanation.—A pass in a University Examination, or a certificate by a Gazetted Officer or a Chamber of Commerce or evidence of having audited accounts in a language for a long number of years will be deemed to be satisfactory evidence for the purpose of this rule."

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department

No. P. 3032—*Legis.* 2-40-44, *dated Bangalore, the* 12*th December* 1940.

The following Notification of the Government of India, Defence Co-ordination Department, is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

Secretary to Government,
Law Department.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 16th November 1940.

No. 520-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 39 of the said Rules:—

(*a*) for sub-rule (2), the following sub-rule shall be substituted, namely:—

(2) "Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule."

(*b*) sub-rule (3) shall be omitted.

A. deC. Williams,
Secretary to the Government of India.

No. P. 3042—*Legis.* 2-40-45, *dated Bangalore, the 12th December* 1940.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely:—

1. This Order may be called the Cargoes and Claims (Information) Order, 1940.

2. In this Order:—

(*a*) The expression "enemy" has the same meaning as in Part XV of the Defence of India Rules, as applied to Mysore.

(*b*) The expression "ship to which this order relates" means a ship owned or controlled by any person who is an enemy.

3. Any person who at the date of this order carries on any undertaking by way of any trade or business and—

(*a*) owns or has any legal or beneficial interest in any cargo lying in a ship to which this Order relates (other than a ship owned or controlled by a person who was an enemy prior to the 9th day of April 1940), or in any cargo which having been landed from such a ship, is in the possession or control of the owner, charterer or master of any such ship; or

(*b*) has or claims to have any cause of action whether in respect of any such cargo or otherwise against any such ship or against the owner, charterer or master thereof,

shall within one month of that date send to the Secretary to the Government of India, Department of Commerce, New Delhi, three signed copies of a return in writing specifying so far as is practicable the following particulars as at that date, that is to say:—

(i) the nature, quantity and value of any such cargo, stating where, and in what ship it is lying or, if not on board ship, where, and in whose possession or control it is;

(ii) the nature of any document in his possession or control evidencing his ownership of any interest in any such cargo;

(iii) the date and amount of any payments made by him in respect of freight charges on any such cargo, stating to whom such payments were made;

(iv) the port of loading and the port of destination of any such cargo; and

(v) the nature and extent of the cause of action that is claimed to exist in respect of any such cargo or otherwise against any ship to which this Order relates, or against the owner, charterer or master thereof.

No. T. 1671—*R. T.* 12-40-12, *dated Bangalore, the* 13*th December* 1940.

The following draft of amendments which Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Mysore Motor Vehicles Rules, 1924 issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924 as amended from time to time and rules regarding public service motor vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft received on or before the 5th January 1941 will be considered by Government:—

Draft Amendments.

For sub-rule (iii) of Rule 16 of the aforesaid Mysore Motor Vehicles Rules, 1924, as amended from time to time substitute the following:—

"(iii) The fee payable for the grant of a driving license shall be rupees five.

The fee for the renewal of a driving license shall be rupees three only if it is presented for renewal previous to and not more than 15 days subsequent to the date on which the license is due to expire and shall be five rupees in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from presenting the license for renewal within 15 days after its expiry".

For Rule 41 (ii) (*c*) of the rules regarding public service motor vehicles as amended from time to time substitute the following :—

"41 (ii) (*c*) The written authority, *viz.*, the conductor's Pass referred to in sub-rule (ii) of Rule 41 shall be renewed every year.

The fee payable in respect of the renewal of the conductor's Pass shall be four annas if it is presented for renewal previous to, or not more than 15 days subsequent to the date on which the Pass is due to expire and shall be eight annas in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from applying for the renewal of the Pass within fifteen days after its expiry."

No. Rl. 1708—*R. A.* 19-40-4, *dated Bangalore, the* 16*th December* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Representative Assembly Rules, 1940, *viz.*—

In column 3 of part I of the second schedule the words "Deputy Amildar, Sringeri Jahgir Sub-Taluk" shall be substituted for "Assistant Commissioner in charge of Sringeri Jahgir," against the word "Sringeri".

No. Rl. 1730—*L. C.* 7-40-2, *dated Bangalore, the* 17*th December* 1940.

The Government of His Highness the Maharaja are pleased to direct, under the provisions of Rule 59 (*i*) of the Legislative Council Rules, 1940, that the electoral roll of the constituency noted below shall be re-published by the Registration Officer concerned with amendments, if any, on the 23rd December 1940, in the manner noted against it, in addition to the places noted in Notification No. Rl. 915—L. C. 7-40-18, dated 13th November 1940 :—

European and Indian Planting Constituencies.—So much of the roll as relates to each taluk, at the Taluk Office.

No. Rl. 1735—*R. A.* 24-40-3, *dated Bangalore, the* 17*th December* 1940.

The Government of His Highness the Maharaja are pleased to direct that under the provisions of Rule 79 (1) of the Representative Assembly Rules, 1940, the electoral rolls of the constituencies noted below shall be re-published by the Registration Officer concerned with amendments, if any, on the 23rd of December 1940, and in the manner noted against each (in addition to the places mentioned in Notification No. Rl. 898—R. A. 24-40-1, dated 13th November 1940) :—

1. *European and Indian Planting Constituencies.*—So much of the roll as relates to each taluk, at the Taluk Office.

2. *Women's Constituency.*—So much of the roll as relates to each City Municipality at the Municipal Office.

No. Rl. 1684—R. A. 42-40-2, Dated Bangalore, the 16th December 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Representative Assembly Rules, 1940 :—

1. Rule 102 shall be deleted.

2. Provisos (*a*) and (*b*) of Rule 146 shall be deleted.

3. The following shall be inserted as Part V-A after Part V of Chapter VII.

PART V-A.—SPECIAL RULES FOR CONSTITUENCIES IN WHICH SEATS ARE RESERVED FOR MEMBERS OF THE DEPRESSED CLASSES :—

Special rules for constituencies in which seats are reserved for members of the Depressed Classes.

151-A. In the case of elections in constituencies in which a seat is reserved for members of the Depressed Classes, rules 100, 101, 115, 116, 124, 125, 141, 142 shall, in so far as they are inconsistent with any of the following rules, not be applicable and the following rules shall be deemed to be substituted therefor and shall apply accordingly.

Publication of lists of candidates.

151-B. The Returning Officer, or the person authorised under rule 89 shall prepare separate lists in Form IV showing the names of candidates —

(*a*) for the reserved seat, and

(*b*) for the non-reserved seats in the manner specified in Rule 100.

Procedure after the publication of lists of candidates.

151-C. If the number of candidates standing for election to the reserved seat or to the non-reserved seats, respectively—

(*a*) is equal to the number of the reserved seat or the non-reserved seats, as the case may be, all such candidates shall be declared by the Returning Officer to be duly elected; or

(*b*) is less than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (2) of rule 101 shall apply; or

(*c*) is more than the number of the reserved seat or the non-reserved seats, as the case may be, the Returning Officer shall forthwith publish in the Gazette and in such other manner as the Government may direct, the names of the candidates for the reserved seat or the non-reserved seats, as the case may be, as given in the notices of candidature in alphabetical order with the symbol, if any, assigned to each candidate, and a poll shall be taken.

Form of ballot papers.

151-D. The ballot paper for the non-reserved seats shall be in Form V (*a*) and for the reserved seat in Forms V (*b*) and V (*c*). Each of the forms shall be serially numbered separately, the serial number being printed on the counterfoil and on the back of the ballot paper.

Number of votes to be recorded by each elector.

151-E. (1) In respect of the non-reserved seats, if more than one non-reserved seat has to be filled, an elector shall have as many votes as there are non-reserved seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit.

(2) In respect of the reserved seat an elector shall have one vote only.

Issue of ballot papers.

151-F. (1) In the case of an election to a non-reserved seat or seats, an elector, whether a member of the Depressed Classes or not, shall be given a ballot paper in Form V (*a*).

(2) In the case of an election for a reserved seat, an elector who is a member of the Depressed Classes shall be given a ballot paper in Form V (*b*), and an elector who is not a member of the Depressed Classes shall be given a ballot paper in form V (*c*).

Procedure on closing of poll.

151-G. The Presiding Officer of each Polling Station, as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present make up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

(i) each ballot box in use at such Station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers;

(iv) the marked copy of the electoral roll;

(v) the counterfoils of the ballot papers:

Provided that the ballot papers referred to in sub-clauses (ii) and (iii) and the counterfoils of the ballot papers referred to in sub-clause (v) shall be made up into separate packets of Form V (*a*), Form V (*b*) and Form V (*c*).

Statement by Presiding Officer.

151-H. The box shall be accompanied by a statement in a separate cover in Form VII (*a*) made by the Presiding Officer showing the number of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) entrusted to him and accounting for them under the heads of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) in the ballot boxes, unused and spoilt ballot papers in Form V (*a*), Form V (*b*) and Form (*c*) and ballot papers, dealt with under rule 123.

Procedure at counting.

151-I. The ballot box or boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 123, as the case may be, shall be opened one after another and the Returning Officer shall take out the ballot papers therefrom, separate them into bundles of Forms V (*a*), V (*b*) and V (*c*), count each bundle or cause them to be so counted and record the numbers thereof in a statement. Such statement shall not be shown to any candidate or agent.

Distribution of ballot papers for counting.

151-J. The Returning Officer shall then distribute the bundles of Forms V (*b*) and V (*c*) to the persons appointed to assist in the counting of votes, and cause the votes recorded on the two forms of ballot paper to be counted separately.

Declaration of result for the reserved seat.

151-K. When the counting of votes has been completed, the Returning Officer shall proceed as follows:—

(*a*) if two candidates have stood for election to the reserved seat, the candidate to whom not less then sixty per cent of the valid votes recorded on the ballot papers in Form V (*b*) is given shall be declared by the Returning Officer to be elected to the reserved seat:

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*c*);

(*b*) if either of the two candidates fails to obtain the percentage of votes recorded on ballot paper in Form V (*b*) mentioned in the above sub-rule, the candidate to whom the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined is given shall be declared by the Returning Officer to be elected for the reserved seat;

(*c*) If three or more candidates have stood for election, the candidate to whom is given not less than forty per cent of the valid votes recorded on ballot paper in Form V (*b*) shall be declared by the Returning Officer to be elected to the reserved seat:

Provided that such candidate has obtained not less than five per cent of the valid votes recorded on ballot paper in Form V (*c*)

(*d*) Where an equality of valid votes recorded on ballot paper in Form V (*b*) is found to exist between any two candidates, then any candidate who has obtained the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat;

(*e*) If none of the candidates has obtained forty per cent of the valid votes recorded on ballot papers in Form V (*b*), the candidate who gets the largest number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat:

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot paper in Form V (*b*) ;

(*f*) For the purposes of this rule, fractions of less than half shall not be taken into account and fractions of more than half shall be counted as one.

Counting of ballot papers for the non-reserved seats.

151-L. The Returning Officer shall next distribute the bundle of ballot papers in Form V (*a*) to the persons appointed to assist in the counting of votes and cause the votes to be counted.

Declaration of results for the non-reserved seats.

151-M. After the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected to the non-reserved seat or seats.

Return of the result of election.

151-N. The Returning Officer shall, after the completion of the procedure for the verification of statement specified in rule 149, prepare and certify two returns in Form XIII, one for the seat reserved for members of the Depressed Classes and another for the non-reserved seat or seats, in the manner specified in rule 151, and shall forward copies of the returns to the Government as soon as possible after reporting the result of the election as required by rule 148.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

V-A. BALLOT PAPER.

(*Rule 151-D*)

Non-Reserved Seats.

REPRESENTATIVE ASSEMBLY.

Counterfoil.	*Front.*	Outerfoil.
SERIAL No..... ...	Name and symbol of candidate	Cross
Name of constituency ...		
Name or number of polling Station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		
	Note.—Please see instruction on the back.	

Back of Outerfoil.

(1) You have.....votes.

(2) Each vote is to be shown by a cross mark : X.

(3) You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

SERIAL No.

V-B. BALLOT PAPER FOR MEMBERS OF THE DEPRESSED CLASSES.

(Rule 151-D)

Reserved Seat.

REPRESENTATIVE ASSEMBLY.

Counterfoil.	*Front.*	Outerfoil.
SERIAL No..... ...	Name and symbol of candidate	Cross
Name of constituency ...		
Name or number of polling Station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		
	Note.—Please see instructions on the back.	

Back of Outerfoil.

(1) You have one vote.

(2) The vote is to be shown by a cross mark : X.

(3) The mark is to be placed against only one candidate.

SERIAL No.

V-C. BALLOT PAPER FOR ELECTORS WHO ARE NOT MEMBERS OF THE DEPRESSED CLASSES.

(*Rule 151 D*)

Reserved Seat.

REPRESENTATIVE ASSEMBLY.

Counterfoil. *Front.* Outerfoil.

SERIAL No.	Name and symbol of candidate	Cross
Name of constituency.		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		

Note.—Please see instructions on the back.

Back of Outerfoil.

(1) You have one vote.

(2) The vote is to be shown by a cross mark : X.

(3) The mark is to be placed against only one candidate.

SERIAL No :

VII. BALLOT PAPER ACCOUNT.

(Rule 151 H)

REPRESENTATIVE ASSEMBLY.

Name of Constituency.....

Name or number of Polling Station..... ....

1	Total number of electors for the polling station as shown in the electoral roll.	Form V-A	Form V-B	Form V-C
2	Total number of ballot papers entrusted to the presiding officer.			
3	Number of ballot papers used.			
4	Number of ballot papers used for the votes of persons appointed for duty at the polling station under Rule 123.			
5	Spoilt ballot papers (Rule 121).			
6	Balance that should be in the box.			
7	Number of unused ballot papers.			

.....

Presiding Officer or other authorised person.

Date.....

Column 1.—Give total number of the names on the electoral roll for your polling station.
Column 2.—Give total number of ballot papers received by you.
Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.
Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.
Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.
Column 7.—Count unused ballot papers and enter the total.

NOTIFICATION.

No. Rl. 1696—L. C. 14-40-1, dated Bangalore, the 16th December 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendments shall be made in the Legislative Council Rules, 1940 :—

1. In Rule 22-A, the following shall be added as sub-rule (2) :—

22-A (2).—A member of the Depressed Classes who is qualified to be chosen in a territorial constituency to fill a seat in the Legislative Council under sub-rule (1) shall be qualified to fill that seat or any other seat of a similar class.

Explanation.—The fact that one of two territorial constituencies is an urban and the other a rural constituency shall not prevent them being deemed to be constituencies of a similar class if they are both general constituencies, and the expression "seat of a similar class" shall, for the purposes of this sub-rule, be construed accordingly.

2. Rule 82 shall be deleted.

3. The provisos to Rule 125 shall be deleted.

4. The following shall be inserted as Part IV-A after Part IV of Chapter VII :—

PART IV-A.

Special rules for constituencies in which seats are reserved for members of the Depressed Classes.

130-A. In the case of elections in constituencies in which a seat is reserved for members of the Depressed Classes, rules 80, 81, 95, 96, 104, 105, 120, 121 shall, in so far as they are inconsistent with any of the following rules, not be applicable and the following rules shall be deemed to be substituted therefor and shall apply accordingly.

Publication of lists of candidates.

130-B. The Returning Officer, or the person authorised under rule 69 shall prepare separate lists in Form IV showing the names of candidates—

(*a*) for the reserved seat; and

(*b*) for the non-reserved seats, in the manner specified in rule 80.

130-C. If the number of candidates standing for election to the reserved seat or to the non-reserved seats, respectively— Procedure after the publication of lists of candidates.

(*a*) is equal to the number of the reserved seat or the non-reserved seats, as the case may be, all such candidates shall be declared by the Returning Officer to be duly elected; or

(*b*) is less than the number of the reserved seat or the non-reserved seats, as the case may be, the procedure prescribed in sub-rule (2) of rule 81 shall apply; or

(*c*) is more than the number of the reserved seat or the non-reserved seats, as the case may be, the Returning Officer shall forthwith publish in the Gazette and in such other manner as the Government may direct the names of the candidates for the reserved seat or the non-reserved seats, as the case may be, as given in the notices of candidature in alphabetical order with the symbol, if any, assigned to each candidate, and a poll shall be taken.

130-D. The ballot paper for the non-reserved seats shall be in Form V (*a*) and for the reserved seat in Forms V (*b*) and V (*c*). Each of the forms shall be serially numbered separately, the serial number being printed on the counterfoil and on the back of the ballot paper. Form of ballot papers.

130-E. (1) In respect of the non-reserved seats, if more than one non-reserved seat has to be filled, an elector shall have as many votes as there are non-reserved seats to be filled, and he can give all his votes to one candidate or distribute them in such manner as he thinks fit. Number of votes to be recorded by each elector.

(2) In respect of the reserved seat, an elector shall have one vote only.

130-F. (1) In the case of an election to a non-reserved seat or seats, an elector, whether a Member of the Depressed Classes or not, shall be given a ballot paper in in Form V (*a*). Issue of ballot papers.

(2) In the case of an election for a reserved seat, an elector who is a member of the Depressed Classes shall be given a ballot paper in Form V (*b*), and an elector who is not a member of the Depressed Classes shall be given a ballot paper in Form V (*c*).

130-G. The Presiding Officer of each Polling Station, as soon as practicable after the close of the poll shall, in the presence of any candidates who may be present make Procedure on closing of poll.

up into separate packets and affix a seal and the seals of such candidates as may decide to affix their seals—

(i) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached;

(ii) the unused ballot papers;

(iii) the spoilt ballot papers;

(iv) the marked copy of the electoral roll;

(v) the counterfoils of the ballot papers:

Provided that the ballot papers referred to in sub-clauses (ii) and (iii) and the counterfoils of the ballot papers referred to in sub-clause (v) shall be made up into separate packets of Form V (*a*), Form V (*b*) and Form V (*c*).

Statement by Presiding Officer.

130-H. The box shall be accompanied by a statement in a separate cover in Form VII (*a*) made by the presiding officer showing the number of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) entrusted to him and accounting for them under the heads of ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) in the ballot boxes, unused and spoilt ballot papers in Form V (*a*), Form V (*b*) and Form V (*c*) and ballot papers, dealt with under rule 103.

Procedure at counting.

130-I. The ballot boxes relating to each polling station or the envelopes containing the certificates dealt with under rule 103, as the case may be, shall be opened one after another and the Returning Officer shall take out the ballot papers therefrom, separate them into bundles of Forms V (*a*), V (*b*) and V (*c*), count each bundle or cause them to be so counted and record the numbers thereof in a statement. Such statement shall not be shown to any candidate or agent.

Distribution of ballot papers for counting.

130-J. The Returning Officer shall then distribute the bundles of Forms V (*b*) and V (*c*) to the persons appointed to assist in the counting of votes, and cause the votes recorded on the two forms of ballot paper to be counted separately.

Declaration of result for the reserved seat.

130-K. When the counting of votes has been completed, the Returning Officer shall proceed as follows:—

(*a*) if two candidates have stood for election to the reserved seat, the candidate to whom not less than sixty per cent of the valid votes recorded on ballot papers in

Form V (*b*) is given shall be declared by the Returning Officer to be elected to the reserved seat :

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*c*) ;

(*b*) if either of the two candidates fails to obtain the percentage of votes recorded on ballot papers in Form V (*b*) mentioned in the above sub-rule, the candidate to whom the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined is given shall be declared by the Returning Officer to be elected for the reserved seat ;

(*c*) If three or more candidates have stood for election, the candidate to whom is given not less than forty per cent of the valid votes recorded on ballot papers in Form V (*b*) shall be declared by the Returning Officer to be elected to the reserved seat :

Provided that such candidate has obtained not less than five per cent of the valid votes recorded on ballot papers in Form V (*c*) ;

(*d*) where an equality of valid votes recorded on ballot papers in Form V (*b*) is found to exist between any two candidates, then any candidate who has obtained the larger number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat ;

(*e*) If none of the candidates has obtained forty per cent of the valid votes recorded on ballot papers in Form V (*b*), the candidate who gets the largest number of valid votes recorded on ballot papers in Forms V (*b*) and V (*c*) combined shall be declared by the Returning Officer to be elected for the reserved seat :

Provided that such candidate has obtained not less than ten per cent of the valid votes recorded on ballot papers in Form V (*b*) ;

(*f*) For the purposes of this rule, fractions of less than half shall not be taken into account and fractions of more than half shall be counted as one.

Counting of ballot papers for the non-reserved seats.

130-L. The Returning Officer shall next distribute the bundle of ballot papers in Form V (*a*) to the persons appointed to assist in the counting of votes and cause the votes to be counted.

Declaration of results for the non-reserved seats.

130-M. After the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected to the non-reserved seat or seats.

Return of the result of lection.

130-N. The Returning Officer shall, after the completion of the procedure for the verification of statement specified in rule 128 prepare and certify two returns in Form XIII, one for the seat reserved for members of the Depressed Classes and another for the non-reserved seat or seats, in the manner specified in rule 130 and shall forward copies of the returns to the Government as soon as possible after reporting the result of the election as required by rule 127.

5. The following note shall be added to the foot note in Form III :—

"In the case of a member of the Depressed Classes who is entitled to stand as a candidate in any general constituency, the name of the constituency in the electoral roll of which the candidate is registered as an elector and his number therein must be given in this column."

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

V-A. BALLOT PAPER.

(Rule 130-D.)

Non-Reserved Seats.

LEGISLATIVE COUNCIL.

Counterfoil.	*Front.*		Outerfoil.
SERIAL No.....	Name and symbol of candidate	Cross	
Name of constituency ...			
Name or number of polling station.			
Number of elector on electoral roll.			
Signature or thumb impression of elector.			
	Note.—Please see instructions on the back.		

Back of Outerfoil.

(1) You have.....votes.

(2) Each vote is to be shown by a cross mark: ×

(3) You may give all your votes to one candidate or distribute them as you please. Place as many cross marks against the name of a candidate as the number of votes you wish to give him, the total number not exceeding the total number of votes you are entitled to.

SERIAL No.

V-B. BALLOT PAPER FOR MEMBERS OF THE DEPRESSED CLASSES.

(Rule 130 D)

Reserved Seat.

LEGISLATIVE COUNCIL.

Counterfoil.	*Front.*	Outerfoil
SERIAL No.....	Name and symbol of candidates	Cross
Name of constituency ...		
Name or number of polling station.		
Number of elector on electoral roll		
Signature or thumb impression of elector.		
	Note.—Please see instructions on the back.	

Back of Outerfoil.

(1) You have one vote.

(2) The vote is to be shown by a cross mark : ×

(3) The mark is to be placed against only one candidate.

SERIAL No.

V.-C. BALLOT PAPER FOR ELECTORS WHO ARE NOT MEMBERS OF THE DEPRESSED CLASSES.

(Rule 130 D)

Reserved Seat.

LEGISLATIVE COUNCIL.

Counterfoil.	*Front.*	Outerfoil.
SERIAL No.....	Name and symbol of candidate	Cross
Name of constituency ...		
Name or number of polling station.		
Number of elector on electoral roll.		
Signature or thumb impression of elector.		
	Note.—Please see instructions on the back.	

Back of Outerfoil.

(1) You have one vote.
(2) The vote is to be shown by a cross mark : X.
(3) The mark is to be placed against only one candidate.

SERIAL No.

BALLOT PAPER ACCOUNT.

(Rule 130 H)

LEGISLATIVE COUNCIL.

Name of constituency.....
Name or number of polling station.....

1. Total number of electors for the polling station as shown in the electoral roll.	Form V-A	Form V-B	Form V-C
2. Total number of ballot papers entrusted to the presiding officer.			
3. Number of ballot papers used.			
4. Number of ballot papers used for the votes of persons appointed for duty at the polling station under Rule 103.			
5. Spoilt ballot papers (Rule 101).			
6. Balance that should be in the box.			
7. Number of unused ballot papers.			

.....

Date..... ..... Presiding Officer or other authorised person.

Column 1.—Give total number of the names on the electoral roll for your polling station.
Column 2.—Give total number of ballot papers received by you.
Column 3.—Count the counterfoils of the issued ballot papers and enter that number.
Column 4.—Total of the counterfoils of ballot papers used by the persons appointed for duty at the polling station.
Column 5.—The total of the counterfoils marked cancelled, checked with the total number of spoilt ballot papers with the presiding officer.
Column 6.—Deduct from number in column 3 the sum of the totals in columns 4 and 5.
Column 7.—Count unused ballot papers and enter the total.

No. T. 1728—*R. T.* 12-40-14, *dated Bangalore, the* 18*th December* 1940.

The following draft amendments which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to the Mysore Motor Vehicles Rules 1924, and to the Rules regarding Public Service Motor Vehicles, issued with Notifications No. P. 3015—Legis. 21-22-10, dated 12th December 1924 and No. P. 3992—Legis. 46-35, dated 18th December 1935, respectively, as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 5th of January 1941 in respect of the said draft will be considered by Government:—

Draft Amendments.

Add the following paragraph to Rule 16-B of the Mysore Motor Vehicles Rules, 1924, referred to above:—

"A District Superintendent of Police may suspend a driving license for a period not exceeding three months."

Add the following as sub-rule (VI) to Rule 41 of the Rules regarding Public Service Motor Vehicles referred to above:—

"(vi) The written authority referred to in sub-rule (i) may be cancelled or suspended by a District Magistrate.

A District Superintendent of Police may suspend the written authority for a period not exceeding three months:

Provided that the reasons for the said cancellation or suspension of a written authority shall be recorded in writing."

No. P. 3150—*Legis.* 25-40-2, *dated Bangalore, the* 18*th December* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Money-lenders Act, 1939, the Government of His Highness the Maharaja of Mysore are pleased to exempt the Sri Varadarajaswami Bank, Ltd., Chamarajnagar and all its branches from the provisions of Chapters II and III of the said Act.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

Printed by the Superintendent at the Government Press, Bangalore